

**FINAL**  
CITY COUNCIL  
  
CITY OF WICHITA  
KANSAS

City Council Meeting  
09:00 a.m. August 21, 2007

City Council Chambers  
455 North Main

**ORDER OF BUSINESS**

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the August 14, 2007 regular meeting

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**AWARDS AND PROCLAMATIONS**

- Proclamations:
  - Project ReDirectory Month
  - Kansas Food Safety Month

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**CONSENT AGENDA**

1. Report of the Board of Bids and Contracts Dated August 20, 2007

RECOMMENDED ACTION: Receive and file report; approve Contracts; authorize necessary signatures.

2. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Linda M. Coria	Cholita's Mexican Restaurant Inc.*	8987 West Central
Roberto Beltran	Taco's Mexican Fast Food*	1930 East Pawnee Street
Damon P. Jones	Taco Tico Operations Inc.*	3257 East Harry
Damon P. Jones	Taco Tico Operations Inc.*	2051 South Seneca
Damon P. Jones	Taco Tico Operations Inc. *	311 East Pawnee
<u>New Operator</u>	<u>2007</u>	<u>(Consumption on Premises)</u>
Damon P. Jones	Taco Tico Operations Inc.*	3131 North Rock Road
Damon P. Jones	Taco Tico Operations Inc.*	460 North West

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

3. Preliminary Estimates:

- a. Lateral 523, Southwest Interceptor Sewer to serve Gray's 6th Addition (south of MacArthur, west of Hoover) (468-84360/744240/480928) Does not affect existing traffic. (District IV) - \$37,000.00
- b. 2007 Park Lighting for Orchard Park, Park Villa at Riverside, & Linwood Park (472-84506/472-84507/472-84508/785095/785096/785108/397215) Does not affect existing traffic. (District I,VI) - \$150,000.00
- c. Zelta Drive from the north line of Kellogg Drive to the south line of Waterman (north of Kellogg, east of Greenwich) (472-84300/765972/490078) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$296,100.00
- d. 2007 Sanitary Sewer Rehabilitation, Phase D (various locations north of MacArthur, east of West Street) (468-84382/620484/667602) Traffic to be maintained during construction using flagpersons and barricades. (District I,II,IV) - \$389,000.00
- e. Water Distribution System to serve Blackstone Addition (north of 13th Street North, east of 151st Street West) (448-90185/735365/470038) Does not affect existing traffic. (District V) - \$115,000.00
- f. Storm Water Drain #323 to serve Legacy 3rd Addition (north of 47th Street South, west of Meridian) (468-84330/751447/485338) Does not affect existing traffic. (District IV) - \$390,000.00

RECOMMENDED ACTION: Receive and file.

4. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closure.

5. Agreements/Contracts:

- a. Agreement for Staking in Northgate Addition, north of 53rd Street North, west of Meridian. (District VI)- Supplemental
- b. Agreement to Respread Assessments: Fox Ridge Second Addition, north of 29th Street, between Maize and Tyler. (District V)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.

6. Change Orders:

- a. Phase B, 2007 Sanitary Sewer Rehabilitation Program, between Everett, St. Clair, 32nd and 31st Streets South. (District IV)
- b. Asbestos removal at 7700 East Kellogg, former La Quinta Inn. (District II)

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

7. Property Acquisitions:

- a. Partial Acquisition of 811 East Waterman for the East Waterman Street Improvement Project from Main Street to Washington Street. (District I)
- b. Partial Acquisition of 4001 West MacArthur for Main 22 Sanitary Sewer Project. (District IV)
- c. Acquisition of Land in the Southwest Quadrant of Kellogg and 119th Street West for Improvement of West Kellogg. (District V)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

8. Sidewalk Repair Assessment Program. (Districts I, II, III, & IV)

RECOMMENDED ACTION: Approve the proposed Assessments and place the Ordinances on First Reading.

9. Abatement of Dangerous and Unsafe Structures.

RECOMMENDED ACTION: Approve the proposed assessments and place the ordinances on first reading.

10. Nuisance Abatement Assessments.

RECOMMENDED ACTION: Approve the proposed assessments and place the ordinances on first reading.

11. Minutes of Advisory Boards/Commissions, August 21, 2007.

Wichita Employees' Retirement System, April 25, 2007  
Wichita Employee/Police & Fire Retirement Board, April 26, 2007  
Police & Fire Retirement System, May 23, 2007  
Wichita Employees' Retirement Board & Police & Fire Retirement Board, June 7, 2007  
Wichita Employees' Retirement System, June 20, 2007  
Police & Fire Retirement System, June 27, 2007

RECOMMENDED ACTION: Receive and file.

12. Second Reading Ordinances: (First Read August 14, 2007)

- a. Amendments to Title 18 - Adoption of 2006 International Building Code, 2006 International Residential Code and Revised Building Permit Fee Schedule.

An ordinance adopting the 2006 International Building Code and City of Wichita amendments thereto, creating Chapter 18.50 and repealing the original of Chapter 18.05 of said code.

- b. An ordinance adopting the 2006 International Residential Code and City of Wichita amendments thereto creating Chapter 18.51 of the Code of the City of Wichita, Kansas and repealing Chapter 18.06 of the code of the City of Wichita, Kansas.

An ordinance amending Section 18.08.010 of the Code of the City of Wichita, Kansas, and pertaining to building permit fees of the City of Wichita, Kansas.

- c. MacArthur Improvement, between Meridian and Seneca. (District IV)

An ordinance declaring Macarthur, between Meridian and Seneca (472-84580) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

- d. Improvement to the Intersection of Broadway and 55th Street South.

An ordinance declaring the intersection of 55th St. South and Broadway (472-84581) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

- e. Grease Interceptor Requirements - Amended Ordinance.

An ordinance pertaining to grease interceptor requirements for sanitary sewer system; amending Chapter 16.24 of the code of the City of Wichita; and repealing the original of Chapter 16.24 of the code of the City of Wichita.

- f. 2008 Annual Operating Budget and Revisions to the 2007 Budget.

The 2007/2008 Proposed Budget has been presented to the City Council, including presentations at workshops and at the joint District Advisory Board (DAB) meeting. The City Council has received public comments on the proposed 2007/2008 budget, both formally at regular meetings of the Council and informally at the joint DAB meeting. On July 24, 2007, the City Council placed the budget ordinances on first reading and authorized the publication of the hearing notices, establishing the maximum taxes levied for the 2008 City budgets.

RECOMMENDED ACTION: Adopt the Ordinances.



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UNFINISHED BUSINESS

13. Appeal of Historic Preservation board action regarding placement of an LED projecting sign at 300 North Mead, Suite 107. (District VI)-HPC2006-00586.

RECOMMENDED ACTION: Return the case to the Historic Preservation Office for administrative approval of one electronic message sign as per Section 24.04.223(1) (a-e) of the amended sign code.

14. Appeal of Historic Preservation Board action regarding placement of three LED signs at 2307 east Central. (District I)-HPC2006-00370

RECOMMENDED ACTION: Return the case to the Historic Preservation Office for administrative approval of one electronic message sign as per Section 24.04.223(1) (a-e) of the amended sign code.

15. Appeal of Historic Preservation Board action regarding placement of a LED sign at 825 east Second. (District I), HPC2006-00572

RECOMMENDED ACTION: Deny the application for an electronic signboard as provided for in the sign code adopted August 7, 2007.

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NEW BUSINESS

16. Public Hearing and Tax Exemption Request, Eck Leasing/C. E. Machine Co., Inc. (District IV)

C.E. Machine is now requesting approval of an Economic Development Tax Exemption on the construction of a building addition and newly acquired equipment in conjunction with the expansion project.

RECOMMENDED ACTION: Close the public hearing, and approve first reading of the Ordinance, granting an 85% tax exemption on the identified real and personal property improvements for a five year term, plus an 85% tax exemption for a second five-year term on real property only, subject to City Council approval.

17. Staffing for Adequate Fire and Emergency Response (SAFER) Grant.

Created by Congress in 2003, the SAFER grant is designed to provide funding to communities with career, volunteer and combination fire departments to “meet industry minimum standards prescribed by National Fire Protection Association (NFPA) Standards 1710 (Section 5.2.4.2 – Initial Full Alarm Assignment Capability) and 1720 and to attain 24-hour staffing that will provide adequate protection from fire and fire-related hazards.

RECOMMENDED ACTION: It is recommended that the City Council approve the grant application, authorize the necessary signatures, and approve any necessary budget transfers.

18. Baehr Street Paving, between Newell and Central. (District IV)

On July 3, 2007, the City Council approved a Petition to pave Baehr between St. Louis and Newell. Baehr Street between Newell and Central is also unpaved. The road is difficult to maintain and drains poorly. On July 11, 2007, District IV Advisory Board sponsored a neighborhood hearing on the project. The Board voted 7-2 to recommend approval of ordering in the project.

RECOMMENDED ACTION: Approve the Project, adopt the Resolution and authorize the necessary signatures.

19. Amendment to Title 18-Adoption of 2006 International Existing Building Code, Chapter 18.45, to replace the City of Wichita Existing Buildings Rehabilitation and Change of Use Code Chapter 18.44.

In May 2001, the City of Wichita adopted the City of Wichita Existing Buildings Rehabilitation and Change of Use Code.

RECOMMENDED ACTION: Approve first reading of the ordinance adopting the 2006 Edition of the International Existing Building Code, (creating Chapter 18.45 of the Code of the City of Wichita) and deleting the City of Wichita Existing Buildings Rehabilitation and Change of Use Code (Chapter 18.44 of the Code of the City of Wichita).

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PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

\* Consent Items

20. PUD2006-02#24-Creation of the Wal-Mart at Oliver Planned Unit Development to allow general retail sales. Generally located south of Kellogg Avenue, east of Oliver Avenue. (District III)-Remand.

RECOMMENDED ACTION: Adopt the findings attached to this report as the basis for the denial of the application.

21. ZON2007-13 – Zone change from “SF-5” Single-family Residential to “TF-3” Two-family Residential for duplex development; generally located west of Florence and south of Second Street. (District IV)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the first reading of the ordinance establishing the zone change; OR 2. Return the application to the MAPC for reconsideration.

22. DR2005-21: Proposed Amendments to the Unified Zoning Code pertaining to McConnell Air Force Base Airport Overlay Districts and Anti-Terrorism/Force Protection Overlay Districts. (Districts II and III)

RECOMMENDED ACTION: Adopt the proposed amendments to the Wichita-Sedgwick County Unified Zoning Code and approve first reading of the ordinance.

23. \*A07-15R Request by Jay Russell, of R&R Realty, to annex land generally located northeast of the intersection of K-96 and Ridge Road, island annexation. (District VI)

RECOMMENDED ACTION: Initiate the annexation process and adopt the resolution.

24. \*SUB 2007-43-Plat of Kansas State Bank Addition located east of Maize Road and north of Kellogg. (District V)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures, and approve first reading of the Ordinance.

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CITY COUNCIL

25. Board Appointments.

RECOMMENDED ACTION: Approve the appointments.

26. Approval of travel expenses for Mayor Brewer, ~~Vice Mayor Fearey~~, City Council Members Schlapp, Skelton, Longwell, Gray and Williams to attend League of Kansas Municipalities Meeting in Overland Park, October 6-9, 2007.

RECOMMENDED ACTION: Approve the expenditures.

27. *Approval of travel expenses for Mayor Brewer to attend League of Kansas Municipalities Legislative Policy Committee Meeting in Topeka, Kansas, August 23, 2007.*

RECOMMENDED ACTION: Approve the expenditures.

28. *Approval of travel expenses for Mayor Brewer to attend League of Kansas Municipalities Governing Body Meeting in Hoisington, Kansas, September 13-14, 2007.*

RECOMMENDED ACTION: Approve the expenses

Adjournment

City of Wichita  
City Council Meeting  
August 21, 2007

**TO:** Mayor and City Council Members

**SUBJECT:** Supplemental Agreement for Staking in Northgate Addition (north of 53rd Street North, west of Meridian) (District VI)

**INITIATED BY:** Department of Public Works

**AGENDA:** Consent

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**Recommendation:** Approve the Supplemental Agreement.

**Background:** The City Council approved the paving improvements in Northgate Addition on October 24, 2006. On March 27, 2007 the City approved an Agreement with Baughman Company, P.A. to design the improvements. The Design Agreement with Baughman requires Baughman to provide construction engineering and staking services if requested by the City.

**Analysis:** The proposed Supplemental Agreement between the City and Baughman provides for staking the improvements. Due to the current workload created by previous projects, City crews are not available to perform the staking for this project.

**Financial Considerations:** Payment to Baughman will be on a lump sum basis of \$13,810 and will be paid by special assessments.

**Goal Impact:** This Supplemental Agreement addresses the Efficient Infrastructure goal by providing the engineering services needed for the construction of paving improvements in a new subdivision. It also addresses the Economic Vitality and Affordable Living goal by providing public improvements in new developments that are vital to Wichita's continued economic growth.

**Legal Considerations:** The Supplemental Agreement has been approved as to form by the Law Department.

**Recommendation/Action:** It is recommended that the City Council approve the Supplemental Agreement and authorize the necessary signatures.

**Attachments:** Supplemental Agreement

SUPPLEMENTAL AGREEMENT  
TO THE  
AGREEMENT FOR PROFESSIONAL SERVICES DATED MARCH 27, 2007  
BETWEEN  
THE CITY OF WICHITA, KANSAS  
PARTY OF THE FIRST PART, HEREINAFTER CALLED THE  
"CITY"  
AND  
BAUGHMAN COMPANY, P.A.  
PARTY OF THE SECOND PART, HEREINAFTER CALLED THE  
"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated March 27, 2007) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements in **NORTHGATE ADDITION** (north of 53<sup>rd</sup> Street North, west of Meridian).

WHEREAS, Paragraph IV. B. of the above referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended to include the following:

**STAKING AND AS-BUILT**

(as per the City of Wichita Standard Construction Engineering Practices)

**58<sup>TH</sup> STREET NORTH** from the east line of the plat, west to the west line of Lot 4, Block C, on **EDWARDS** from the south line of 58<sup>th</sup> Street North, south to the south line of Lot 18, Block D; and on **58<sup>TH</sup> COURT NORTH** (Lots 28 through 40, Block A) from the north line of 58<sup>th</sup> Street North, north to and including the cul-de-sac and on **58<sup>TH</sup> COURT NORTH** (Lots 1 through 6, Block D) from the south line of 58<sup>th</sup> Street North, south to and including the cul-de-sac; on **58<sup>TH</sup> COURT NORTH** (Lots 7 through 16, Block D) from the south line of 58<sup>th</sup> Street North, south to and including the cul-de-sac; on **58<sup>TH</sup> COURT NORTH** (Lots 2 through 14, Block A) from the east line of 58<sup>th</sup> Court North east and north to and including the cul-de-sac; on **58<sup>TH</sup> COURT NORTH** (Lots 15 through 24, Block A) from the north line of 58<sup>th</sup> Street North, north to and including the cul-de-sac and that sidewalk be constructed on 58<sup>th</sup> Street North and Edwards (north of 53<sup>rd</sup> Street North, west of Meridian) (Project No. 472 84465).

Construction staking and final as-built of all areas included in the project mass grading plan will be the responsibility of the ENGINEER, with final as-built plans submitted and sealed by a licensed land surveyor or registered professional engineer. Minimum construction staking shall consist of the following: grade stakes set at 50 foot centers in tangent sections, and 25 foot centers through curve sections, at the street centerline (to match CL street stationing per paving plans); both right-of-way lines (at lot corners); back lot/easement lines (at lot corners); as well as any other grade break lines. Grade stake cuts and fills shall be to the dirt grade as required by the mass grading plan details, and shall not be set for final pavement grade, nor to actual final subgrade elevation. Final elevations for all areas outside the street right-of-way to be graded per plans, provisions or otherwise, including lots, easements, ponds and reserve areas, shall be within +/-0.2' of plan call-outs, unless otherwise stated in plans or provisions. Final elevations within the street right-of-way shall be within +/-0.1' of plan call-outs. The ENGINEER will be responsible to provide initial as-built(s) to the City's Project Engineer, who will coordinate any rework with the contractor. The ENGINEER'S survey and as-built generation responsibilities will include re-checking all points deemed to be out of compliance by the City project engineer, regardless of the number of times to achieve compliance. Two copies of the project specific mass grading and pond construction plan sheets will be submitted to the Project Engineer within 5 days of completion of final grading, will show original plan and final as-built elevations at all original call-out locations. Submittals will include both standard plan sheets as well as an electronic file.

**B. PAYMENT PROVISIONS**

The lump sum fee and the accumulated partial payment limits in Section IV. A. shall be amended as follows:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement shall be made on the basis of the lump sum fee specified below:

Project No. 472 84465      **\$13,810.00**

**C. PROVISIONS OF THE ORIGINAL CONTRACT**

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

BY ACTION OF THE CITY COUNCIL

\_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary Rebenstorf, Director of Law

BAUGHMAN COMPANY, P.A.

\_\_\_\_\_  
N. Brent Wooten, President

ATTEST:

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AGREEMENT  
BY AND BETWEEN

**THE CITY OF WICHITA, KANSAS**

Party of the First Part

And

**FOX RIDGE DEVELOPMENT CO., INC.  
JEREMY D. & MISHA BENDER  
DAVID W. & MARIE A. PIPER  
JASON M. & KARI K. MITCHELL**

Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal Improvements in the area north of 29<sup>th</sup> Street, on the west side of Tyler Road, within the City Limits of the City of Wichita; and

WHEREAS, Party of the Second Part is the landowner of all or part of improvement districts; and desires that a reassessment be made; and

WHEREAS, Party of the Second Part has platted Fox Ridge Second Addition; and

WHEREAS, Party of the First Part and Party of the Second Part are both desirous of accomplishing such a reassessment.

Now, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties agree as follows:

1. Lots 22, 24, 25, and 28 through 41, Block 4, Fox Ridge Addition, were part of the improvement district for the following city projects:

Bluestem Water Distribution System Connector – Project No. 448-90023  
Sanitary Sewer Main – Project No. 468-83680

2. The Parties agree to make a reassessment for said projects in the following manner:

Lots 1 through 3, Block 1, and Lots 1 through 14, Block 2, Fox Ridge 2<sup>nd</sup> Addition shall pay 100% of the original total cost apportioned based on equal fractions. (Bluestem Water Distribution System Connector – Project No. 448-90023)

Lots 1 through 3, Block 1, and Lots 1 through 14, Block 2, Fox Ridge 2<sup>nd</sup> Addition shall pay 100% of the original total cost apportioned based on equal fractions. (Sanitary Sewer Main – Project No. 468-83680)

3. The Party of the Second Part is the owner of the property described in Section One above and said Party of the Second Part hereby waives the notice and hearing requirements of K.S.A. 12-6a12 (b) with respect to the reassessment herein described.

4. The Party of the Second Part further waives their right to appeal the special assessments for the above mentioned projects (including the described reassessment) and agree that no suit to set aside said assessment shall be brought by them nor shall they in any other way bring an action to question the validity of the proceedings taken by the Party of the First Part in levying the special assessments therefore.
5. The Party of the Second Part further agrees that they will indemnify the Party of the First Part against any and all costs, expenses, claims and adjustments for which the Party of the First Part is held responsible or which are entered against the Party of the First Part arising out of or as a result of the reassessment herein described.

IN WITNESS WHEREOF, the Parties hereto have executed this agreement the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

**THE CITY OF WICHITA, KANSAS**

\_\_\_\_\_  
Carl Brewer, Mayor  
Party of the First Part

Approved as to form:

Attest:

Dary E. Rhenberg, Jr.  
Director of Law

\_\_\_\_\_  
City Clerk

STATE OF KANSAS }  
SEDGWICK COUNTY } SS:

BEFORE ME, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2007, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Carl Brewer, Mayor, The City of Wichita, a Municipal Corporation, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged to me the execution of the same, for and on behalf, and as the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

\_\_\_\_\_  
Notary Public

My Appointment Expires: \_\_\_\_\_

FOX RIDGE DEVELOPMENT CO., INC.

By: Marvin Schellenberg  
Marvin Schellenberg, President

STATE OF KANSAS }  
SEDGWICK COUNTY } SS:

BE IT REMEMBERED, that on this 7<sup>th</sup> day of May, 2007, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Marvin Schellenberg, President, Fox Ridge Development Co., Inc., personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged to me the execution of the same, for and on behalf, and as the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.



Tami L. Caffrey  
Notary Public

My Appointment Expires: 3-10-2010

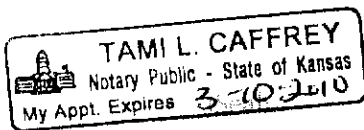
**JEREMY D. & MISHA BENDER**  
As to Lot 1, Block 1, Fox Ridge 2<sup>nd</sup> Addition

Jeremy D. Bender  
Misha Bender

STATE OF KANSAS     }  
SEDGWICK COUNTY }     SS:

BE IT REMEMBERED, that on this 15<sup>th</sup> day of May, 2007, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Jeremy D. and Misha Bender, Owners, Lot 1, Block 1, Fox Ridge 2<sup>nd</sup> Addition, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged to me the execution of the same, for and on behalf, and as the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.



Tami L. Caffrey  
Notary Public

My Appointment Expires: 3-10-2010

DAVID W. & MARIE A. PIPER  
As to Lot 10, Block 2, Fox Ridge 2<sup>nd</sup> Addition

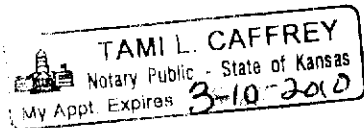
David W. Piper 5-14-2007

Marie A. Piper 5-14-07

STATE OF KANSAS     }  
SEDGWICK COUNTY }     SS:

BE IT REMEMBERED, that on this 14<sup>th</sup> day of May, 2007, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came David W. and Marie A. Piper, Owners, Lot 10, Block 2, Fox Ridge 2<sup>nd</sup> Addition, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged to me the execution of the same, for and on behalf, and as the act and deed of said corporation.

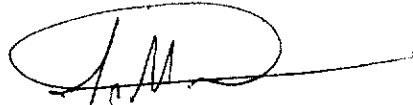
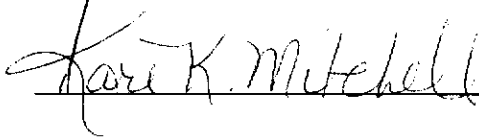
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.



Tami L. Caffrey  
Notary Public

My Appointment Expires: 3-10-2010

JASON M. & KARI K. MITCHELL  
As to Lot 14, Block 2, Fox Ridge 2<sup>nd</sup> Addition

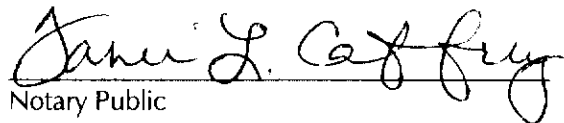
  
\_\_\_\_\_  
  
\_\_\_\_\_

STATE OF KANSAS     }  
SEDGWICK COUNTY }     SS:

BE IT REMEMBERED, that on this 16<sup>th</sup> day of May, 2007, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Jason M. and Kari K. Mitchell, Owners, Lot 14, Block 2, Fox Ridge 2<sup>nd</sup> Addition, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged to me the execution of the same, for and on behalf, and as the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.



  
\_\_\_\_\_  
Notary Public

My Appointment Expires: 3-10-2010

**Agenda Item No. 5b.**

**City of Wichita  
City Council Meeting  
August 21, 2007**

**TO:** Mayor and City Council

**SUBJECT:** Agreement to Respread Assessments: Fox Ridge 2<sup>nd</sup> Addition (north of 29<sup>th</sup> Street, between Maize and Tyler) (District V)

**INITIATED BY:** Department of Finance

**AGENDA:** Consent

**Recommendation:** Approve the Agreement.

**Background:** The landowners, Fox Ridge Development Co., Inc.; Jeremy D. & Misha Bender; David W. & Marie A. Piper; and Jason M. & Kari K. Mitchell, platted Fox Ridge 2<sup>nd</sup> Addition and have submitted an Agreement to respread special assessments within the Addition.

**Analysis:** The land was originally included in an improvement district for a sanitary sewer main project and a water distribution system. The purpose of the Agreement is to respread special assessments on a fractional basis for each lot. Without the Agreement, the assessments will be spread on a square foot basis.

**Financial Considerations:** There is no cost to the City.

**Goal Impact:** The City of Wichita aggressively uses special assessments to lower the cost of residential developments. In doing so, the City's program satisfies the City Council's goal to promote Economic Vitality and Affordable Living. The program supports this goal through partnering with stakeholders in the development community and sustains affordable living by lowering the costs of home ownership.

**Legal Considerations:** The Agreement has been approved as to form by the Law Department.

**Recommendations/Actions:** It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

**Attachments:** One original and 14 copies of the Respread Agreement.

City of Wichita  
City Council Meeting  
August 21, 2007

**TO:** Mayor and City Council Members

**SUBJECT:** Change Order: Phase B, 2007 Sanitary Sewer Rehabilitation Program (between Everett, St. Clair, 32<sup>nd</sup> and 31<sup>st</sup> Streets South) (District IV)

**INITIATED BY:** Department of Public Works

**AGENDA:** Consent

---

**Recommendation:** Approve the Change Order.

**Background:** On May 22, 2007, the City Council approved a construction contract with Insituform Technologies USA, Inc. to rehabilitate certain sanitary sewer lines in southwest Wichita. After the contract was awarded, it was determined that an additional sanitary sewer located between Everett, St. Clair, 32<sup>nd</sup> and 31<sup>st</sup> Streets South was also in need of immediate repair due to high ground water and excessive infiltration.

**Analysis:** A Change Order has been prepared for the cost of the additional work. Funding is available within the project budget.

**Financial Considerations:** The total cost of the additional work is \$12,471 with the total paid by the Sanitary Sewer Utility. The original contract amount is \$280,367. This Change Order represents 4.45% of the original contract amount.

**Goal Impact:** This project addresses the Efficient Infrastructure goal by providing ongoing maintenance of the City's sanitary sewer system.

**Legal Considerations:** The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

**Recommendation/Action:** It is recommended that the City Council approve the Change Order and authorize the necessary signatures.

**Attachments:** Change Order.



**To:** Insituform Technologies USA Inc.**Project:** 2007 Sanitary Sewer Rehabilitation  
Phase B**Change Order No.:** 1**Project No.:** 468-84315**Purchase Order No.:** 620476**OCA No.:** 620476

CHARGE TO OCA No.: 620476 PPN: 667594

**Please perform the following extra work at a cost not to exceed \$12,470.75**

Due to high groundwater and excessive infiltration, emergency repairs were required to the easement between Everett and St. Clair, from 32<sup>nd</sup> S. to 31<sup>st</sup> S.

**Overrun:**

8" Cured-in-Place Liner Installed	601 ft @ \$20.75 / ft. =	<u>\$12,470.75</u>
	<b>TOTAL =</b>	<b>\$12,470.75</b>

**Recommended By:**

---

Lawrence Schaller, P.E.  
Construction Engineer

---

Date**Approved:**

---

Jim Armour, P.E.  
City Engineer

---

Date**Recommended By:**

---

Contractor

---

Date**Approved:**

---

Chris Carrier, P.E.  
Director of Public Works

---

Date**Approved as to Form:**

---

Gary Rebenstorf  
Director of Law

---

Date**By Order of the City Council:**

---

Carl Brewer  
Mayor

---

Date**Attest:**

---

City Clerk

City of Wichita  
City Council Meeting  
August 21, 2007

**TO:** Mayor and City Council Members

**SUBJECT:** Change Order: Asbestos Removal at 7700 E Kellogg (former La Quinta Inn)  
(District II)

**INITIATED BY:** Department of Public Works

**AGENDA:** Consent

-----

**Recommendation:** Approve the Change Order.

**Background:** On November 7, 2006 the City entered into a contract with Minority Contractors & Consultants, Inc. for removal of asbestos for 7700 E Kellogg (former La Quinta Inn). As a result, there was additional cost for rental of scaffolding required to complete this project from a subcontractor Midwest Scaffold Service located in Omaha, NE.

**Analysis:** A Change Order has been prepared for the additional cost of scaffolding. Funding is available within the project budget.

**Financial Considerations:** The total cost of the additional work is \$51,787.50. The original contract amount is \$350,000. This Change Order plus previous change orders represents 19.6% of the original contract amount.

**Goal Impact:** This project addresses the Efficient Infrastructure goal for the construction of Kellogg Rock Road Interchange project.

**Legal Considerations:** The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

**Recommendations/Actions:** It is recommended that the City Council approve the Change Order and authorize the necessary signatures.

**Attachments:** Change Order.



PUBLIC WORKS-BUILDING DIVISION

08/21/07

**CHANGE ORDER**

**To:** Minority Contractors & Consultants, Inc  
PO Box 8094  
Wichita, KS 67208-7208

**Project:** Asbestos Removal at La Qunita  
7700 E. Kellogg

**Change Order No.:** Five (5)  
**Purchase Order No.:** PO 601389  
**CHARGE TO OCA No.:** 702330

**Project No.:** N/A  
**OCA No.:** 702330  
**PPN:**

**Please perform the following extra work at a cost not to exceed \$51,787.50**

Rental of Scaffolding to pay three invoices from Midwest Scaffold Service –  
8696 for \$14,760 - 01-1326 for \$26,530 - 01-1392 for \$10,497.50

**Approved:**

\_\_\_\_\_  
Minority Contractors & Consultants, Inc.      Date

**Approved as to Form:**

\_\_\_\_\_  
Gary Rebenstorf      Date  
Director of Law

**Approved:**

\_\_\_\_\_  
Chris Carrier, P.E.      Date  
Director of Public Works

**By Order of the City Council:**

\_\_\_\_\_  
Carl Brewer      Date  
Mayor

**Attest:** \_\_\_\_\_  
City Clerk

## REAL ESTATE PURCHASE CONTRACT

THIS AGREEMENT, Made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2007 by and between Four of Waterman, LLC, a Kansas Limited Liability Company, hereinafter referred to as "Seller," whether one or more, and City of Wichita, a Municipal Corporation, hereinafter referred to as "Buyer," whether one or more.

**WITNESSETH:** That for and in consideration of the mutual promises, covenants and payments hereinafter set out, the parties hereto do hereby contract to and with each other, as follows:

1. The Seller does hereby agree to sell and convey to the Buyer by a good and sufficient warranty deed for the following described real property, situated in Sedgwick County, Kansas, to wit:

The South 19.17 feet of the North 42.17 feet of the East 140 feet of Lot 2, Block 3, N.A. English's 4<sup>th</sup> Addition to the City of Wichita, Kansas, containing 0.06 acres more or less.

2. The Buyer hereby agrees to swap, and pay to the Seller, as consideration for the conveyance to him of the above described real property the sum of One Dollar and No Cents (\$1.00) in the manner following, to-wit: cash at closing.

3. Buyer hereby agrees to exchange and convey to Seller by a good and sufficient warranty deed the following described real property situated in Sedgwick County, Kansas to wit:

A portion of Lot 1, Block 1, Wichita Transit Center Addition to Wichita, Kansas described as: Commencing at the Northeast corner of Lot 1, Block 1, Wichita Transit Center Addition; thence bearing S00°00'31"W, along the East line of said Lot 1, a distance of 18.70 feet to the point of beginning; thence continuing bearing S00°00'31"W, along the East line of said Lot 1, a distance of 169.00 feet; thence bearing N89°59'52"W, a distance of 19.12 feet to the beginning of a curve to the right with a radius of 631.50 feet and chord bearing N03°15'53"W; thence along said curve through a central angle of 6°32'48" an arc distance of 72.16 feet; thence bearing N00°00'31"E, a distance of 97.00 feet; thence bearing S89°59'52"E, a distance of 23.24 feet to the point of beginning, said parcel containing 0.08 acres more or less.

4. A complete abstract of title certified to date, or a title insurance company's commitment to insure, to the above described real properties, showing a merchantable title vested in the appropriate party, subject to easements and restrictions of record is required. The Title Evidence shall be sent for examination as promptly and expeditiously as possible, and it is understood and agreed that the parties shall have a reasonable time after said Title Evidence has been examined in which to correct any defects in title.
5. A duly executed copy of this Purchase Agreement shall be delivered to the parties hereto.
6. It is understood and agreed between the parties hereto that time is of the essence of this contract, and that this transaction shall be consummated on or before August 31, 2007.
7. Buyer and Seller hereby agree to convey the above described premises with all the improvements located thereon and deliver possession of the same in the same condition as they

now are, reasonable wear and tear excepted.

8. Possession to be given at closing.

9. In the event an Owners title insurance policy is furnished, the total cost of the commitment to insure and the title insurance policy will be paid 0% by seller and 100% by buyer. Buyer will pay 100% closing costs.

10. Site Assessment

A. At any time prior to the closing of this agreement, the Buyer shall have the right to conduct or cause to be conducted an environmental site assessment and/or testing on the property. If an environmental audit or test reveals the presence of a hazardous substance or waste, as defined by federal or state law, or that there has been a spill or discharge of a hazardous substance or waste on the property, the buyer shall have the right to void this agreement upon notice to the seller, in which event neither party shall be under any further obligation to the other.

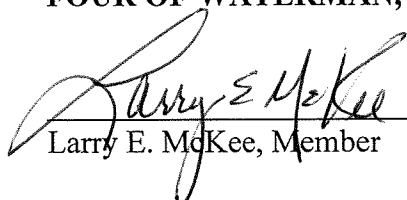
B. Provided, however, Buyer shall in no event be obligated to close before the completion of a site assessment made pursuant to Paragraph A above. The Buyer shall, if Buyer determines a site assessment is necessary, exercise good faith in commencing and diligently completing such site assessment after this agreement is executed by all parties.

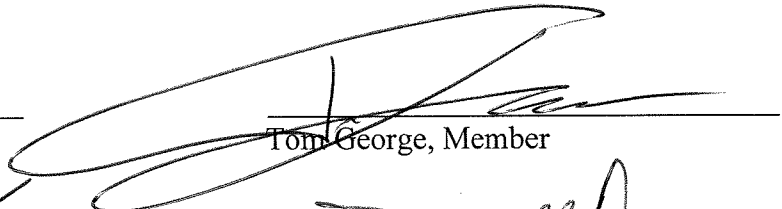
11. Buyer hereby agrees to provide to the Seller for himself, his heirs, successors and assigns, an easement in and over, upon and across the north 200.00 feet of the east 75.00 feet portion of Lot 1, Block 1, Wichita Transit Center Addition to the City of Wichita, Sedgwick County, KS.

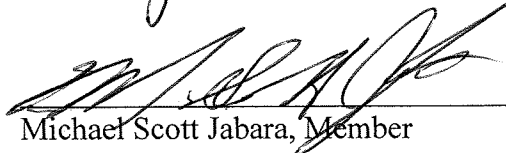
**WITNESS OUR HANDS AND SEALS** the day and year first above written.

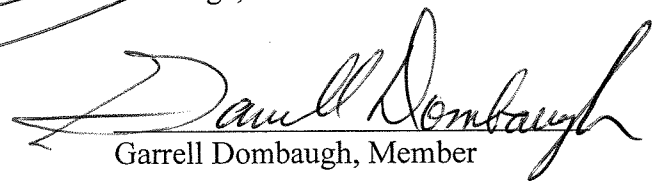
**SELLER:**

**FOUR OF WATERMAN, LLC:**

  
Larry E. McKee, Member

  
Tom George, Member

  
Michael Scott Jabara, Member

  
Garrell Dombaugh, Member

**BUYER:**

By Direction of the City Council

**ATTEST:**

\_\_\_\_\_  
Carl Brewer, Mayor

\_\_\_\_\_  
Karen Sublett, City Clerk

**Approved as to Form:**

---

Gary E. Rebenstorf, Director of Law

### **GRANT OF EASEMENT**

For the sum of One Dollar and No/ 100 dollars (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the undersigned, the City of Wichita, Kansas, a Municipal Corporation, (herein after Grantor) hereby grants and conveys to Four of Waterman, LLC, its heirs and assigns, ("Grantees") an easement in and over, upon and across the Easement Area (described below), for the purposes of ingress and egress.

The Easement Area is described as:

The Grantor represents and warrants to the Grantee that Grantor is the true and lawful owner of the Property and has full right and power to grant and convey the rights conveyed herein.

Grantee, as a condition and as part of the consideration herein given, hereby covenants and agrees as follows:

1. Grantee hereby agrees to restore all property disturbed by its activities in use of the easement to the condition existing prior to the disturbance.
2. The Grantee shall at all times keep and save the Grantor free and harmless from all loss, costs and expense to which it may be subject by reason of the operations of the Grantee. In case any action is commenced against the Grantor on account of the permission granted, the Grantee shall, upon notice, defend the Grantor and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.
3. Grantee undertakes and assumes for its officers, agents, contractors and subcontractors and employees, all risk of dangerous conditions, if any, on or about any Grantor-owned or controlled property, including Public Ways, and Grantee hereby agrees to indemnify and hold harmless the Grantor against and from any claim asserted or liability imposed upon the Grantor for personal injury or property damage to any person arising out exercise of the rights herein granted or Grantee's failure to comply with any federal, state or local statute, ordinance or regulation.
4. Grantee shall pay all expenses incurred by Grantor in defending itself with regard to any such actions, suits or proceedings. These expenses shall include all out-of-pocket

expenses such as attorney fees and shall also include the reasonable value of any services rendered by or on behalf of the Grantor's attorney, and the actual expenses of Grantor's agents, employees or expert witnesses, and disbursements and liability assumed by Grantor in connection with such suits, actions or proceedings.

5. Grantee shall not construct, reconstruct, modify, supplement, maintain and or operate facilities for the transmission of signals used in the provision of communications, video, television and/or information services, gas lines, water lines, sewers, drainage structures and facilities, electrical transmission or distribution and/or any other services or uses within the Easement Area. Grantee further agrees any such unauthorized use shall be considered trespass by the Grantee.
6. Grantee's use of the surface of the Easement Area is hereby limited to ingress and egress. Grantee shall not place any other structures upon or under the surface of the easement area. Grantee further agrees any such unauthorized use shall be considered trespass by the Grantee.
7. Grantee shall not permit its employees, its agents, contractors and subcontractors to enter or in any manner utilize any remaining lands of the Grantor. Grantee further agrees any such unauthorized use shall be considered trespass by the Grantee.
8. Grantee shall not introduce or permit the introduction of in, on or about any portion of the Easement Area, any materials, wastes and substance in violation of applicable federal, state, or local laws, rules or regulations, which materials, wastes, and substances are defined or identified as hazardous or toxic materials or substances in any federal, state or local laws, rules or regulations, whether now existing or hereinafter enacted or promulgated (herein collectively called "Hazardous Materials"). Grantee further covenants and agrees to indemnify, defend and save Grantor harmless from and against any and all damages, losses, liabilities, claims, litigation, costs or expenses of any kind whatsoever (including, without limitation, reasonable attorneys' fees) which may at any time be imposed upon or incurred by Grantor and arise from a breach of the foregoing covenant or otherwise arising from any acts or omissions of or by Grantee in connection with the easement regarding Hazardous Materials, including, without limitation (i) costs of removal of any and all Hazardous Materials from any portion of the Easement Parcel, (ii) costs required to take necessary precautions to protect against the release of Hazardous Materials into the air, the ground, any body of water or any other surrounding areas, and (iii) costs incurred to comply with all applicable laws, orders, judgments and regulations with respect to Hazardous Materials.
9. Grantee shall not in any manner interfere with Grantor's access to Grantor's remaining property. Grantee may not erect any fencing, other than temporary construction fencing in, on, upon or over the Easement Area. Grantor shall, without any notice to Grantee, remove any such fencing installed by Grantee.
10. Grantee shall not permit any other entity to attach to its facilities or allow any entity to maintain any facility of any type whatsoever kind and nature within the easement area unless said entity has an expressed written easement allowing such attachments or facilities. Grantee further agrees any such unauthorized use shall be considered trespass by the Grantee.

The grantors reserve the use of said strip of land not inconsistent herewith.

The rights herein granted to Grantee may not be assigned in whole or in part. All conditions and covenants contained herein shall inure to the benefit of the Grantor, its heirs, successors and assigns.



SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

The City of Wichita, Kansas, a Municipal Corporation

By: \_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

ACKNOWLEDGMENT

State of Kansas            )  
                                      )  
County of Sedgwick        )

I, \_\_\_\_\_, being a notary public in and for the state and county aforesaid, do hereby certify that Carl Brewer, Mayor and Karen Sublett, City Clerk, City of Wichita, Kansas, personally known to me to be the same persons whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth.

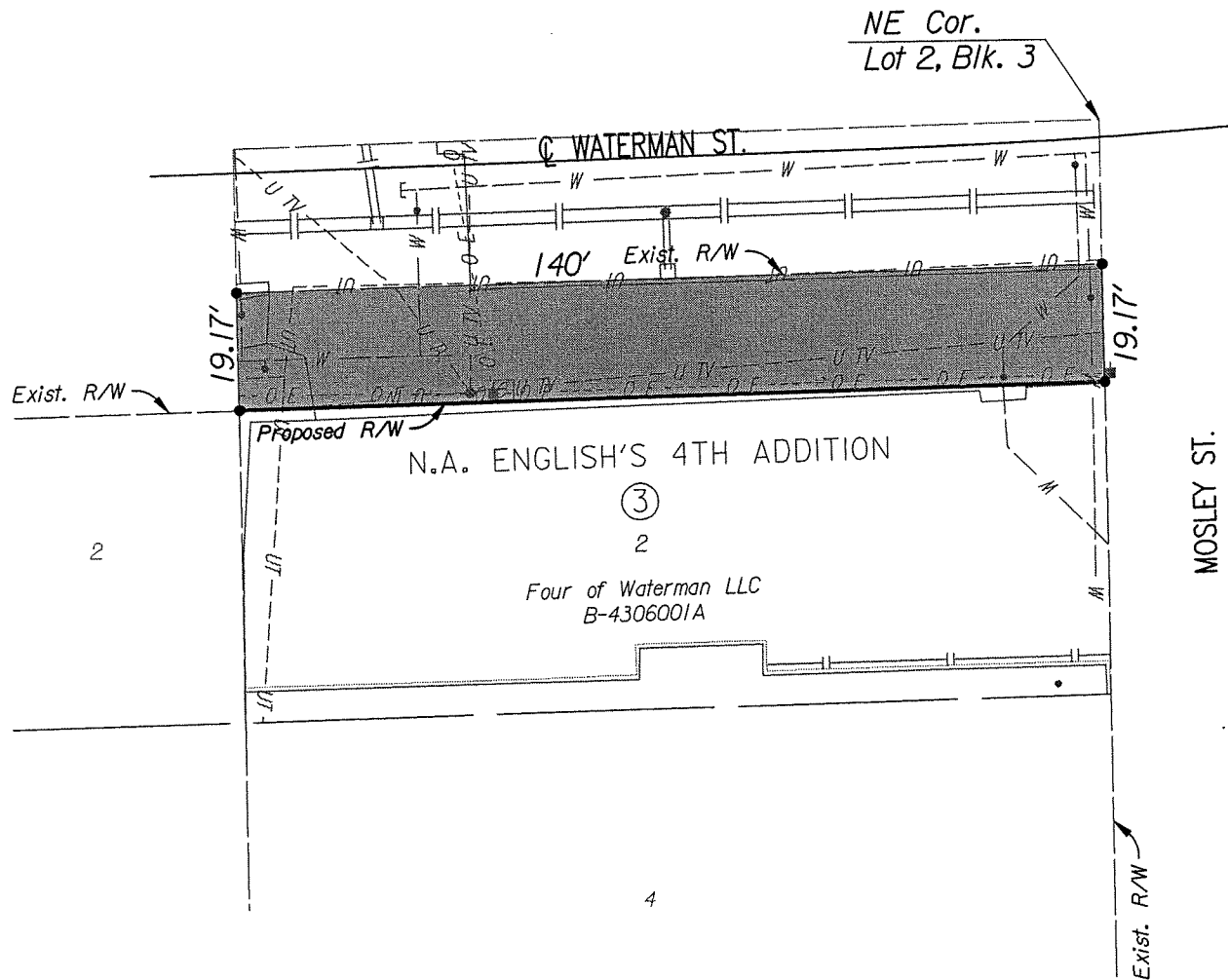
Given under my hand and notarial seal this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public

SEAL

My Appointment Expires: \_\_\_\_\_

Tract B-4306001A  
Easement for Right of Way



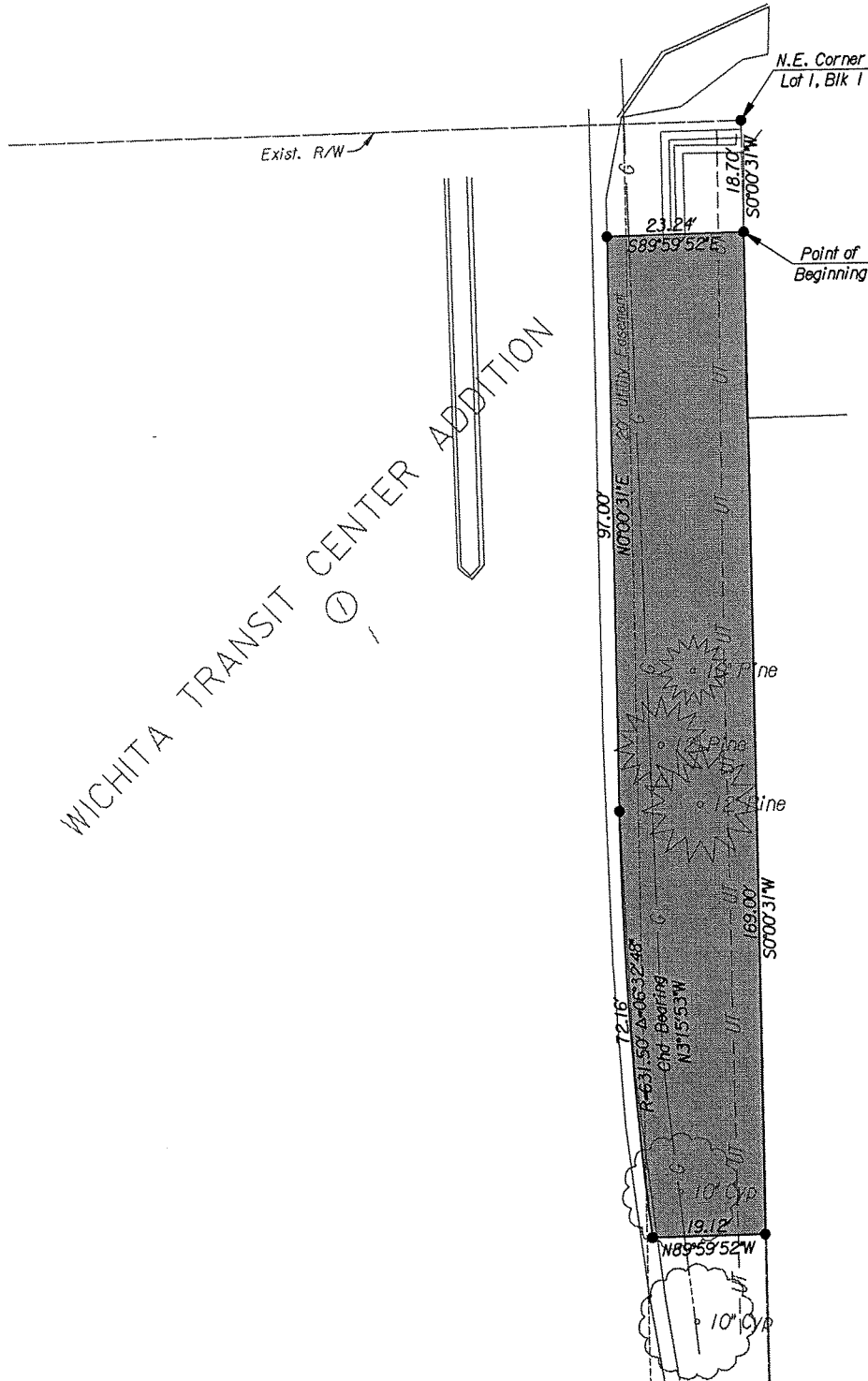
LEGAL DESCRIPTION:

The South 19.17 feet of the North 42.17 feet of the East 140 feet of Lot 2, Block 3, N.A. English's 4th Addition to the City of Wichita, Kansas, containing 0.06 Acres more or less.

Waterman



# TRACT MAP



## LEGAL DESCRIPTION:

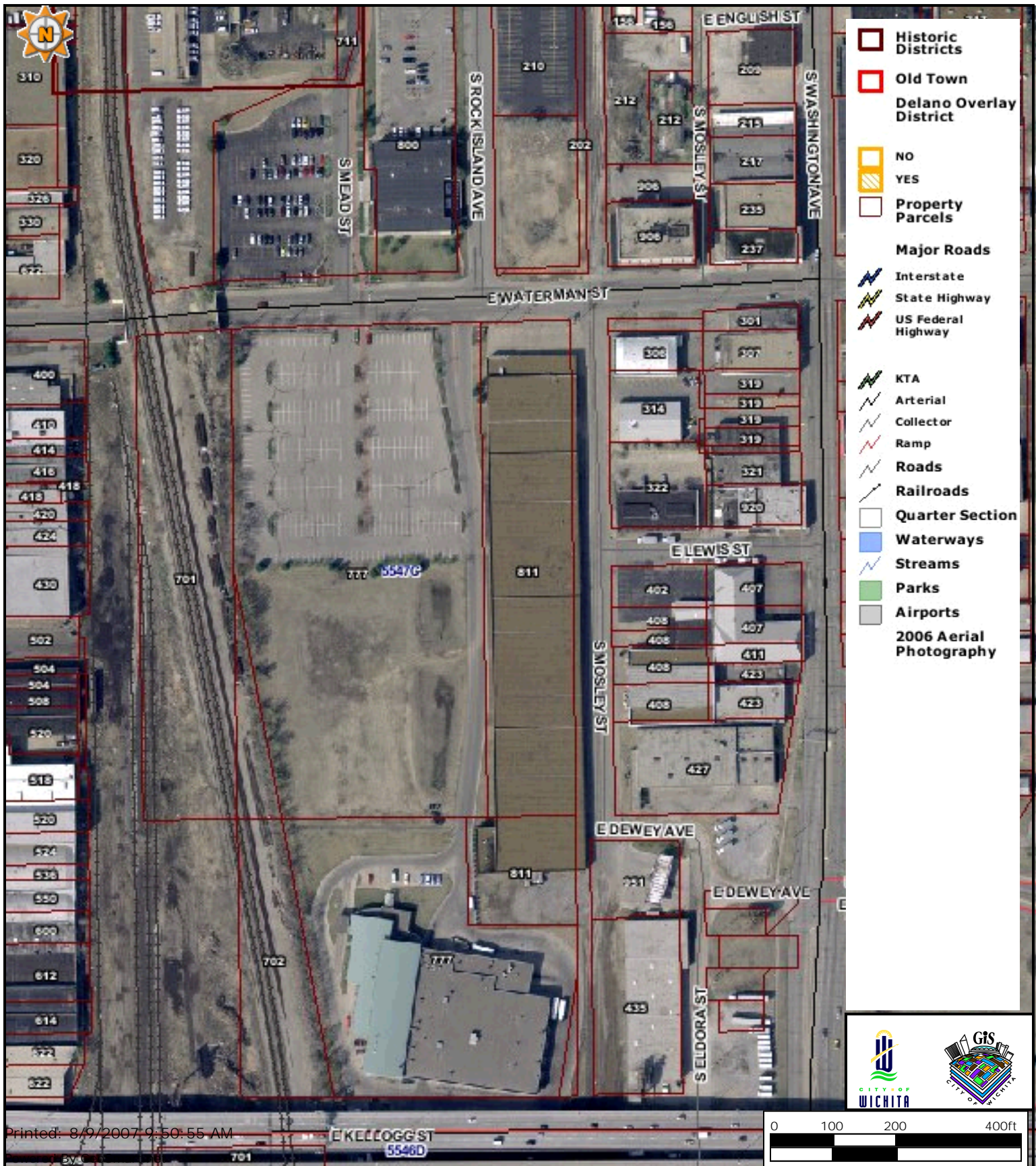
A PORTION OF LOT 1, BLOCK 1, WICHITA TRANSIT CENTER ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS DESCRIBED AS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 1, WICHITA TRANSIT CENTER ADDITION; THENCE BEARING S00°00'31\"/>

ENCOMPASSING 3,828.0 SQUARE FEET MORE OR LESS



# 811 E Waterman



Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.



# part of 777 E Waterman



Printed: 8/9/2007 9:53:59 AM

Powered By GeoSmart.net

Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.

**City of Wichita**  
**City Council Meeting**  
August 21, 2007

**TO:** Mayor and City Council Members

**SUBJECT:** Partial Acquisition of 811 East Waterman for the East Waterman Street Improvement Project from Main Street to Washington Street (District I)

**INITIATED BY:** Office of Property Management

**AGENDA:** Consent

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**Recommendation:** Approve the acquisition.

**Background:** On May 16, 2006, City Council approved the improvement of Waterman from Main Street to just west of Washington. This project calls for increasing the storm sewer system to serve the arena project as well as improving Waterman Street.

**Analysis:** The proposed acquisition area is the north 19.17 feet of the subject property and consists of 2,613 square feet. The property is improved with a 120,000 square foot warehouse/office built in 1955, parking lot and business advertising sign. The proposed area encompasses twelve of the twenty-four striped parking spaces and requires the owner to relocate their sign. The proposed take was valued at \$26,065. This includes \$5.00 per square foot for the land, \$4,000 for the sign relocation and \$9,000 as damages for lost parking. The owner rejected this offer.

The owner agreed to donate the proposed acquisition area in exchange of a 3,828 square foot area off of the city owned, northeasterly portion of 777 East Waterman site. This specific strip of land is currently vacant and the transfer of such does not adversely impact on the remainder of the site. The City will retain that part of the strip of land along Waterman as right-of-way where there is a decorative brick wall and landscaping. Bids totaling \$41,250 were received to relocate the business advertising sign and construct replacement parking along the west side the building. The owner would only be compensated for the relocation of the advertising sign and cost to cure parking at a total of \$41,250. An Ingress/Egress easement will be granted to the seller for limited access across 777 East Waterman.

**Financial Considerations:** \$42,500 is the requested budget for the acquisition of this parcel. This amount includes zero dollars for the purchase price, \$1,250 for closing costs and title insurance. The funding source is General Obligation Bonds.

**Goal Impact:** The acquisition of this parcel is necessary to ensure efficient infrastructure as this area is rapidly growing.

**Legal Considerations:** The Law Department has approved the agreement as to form.

**Recommendation/Action:** It is recommended that the City Council approve the agreement and authorize the necessary signatures.

**Attachments:** Real estate purchase agreement, Grant of Easement, tract maps and aerials.

## REAL ESTATE PURCHASE CONTRACT

THIS AGREEMENT, Made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2007 by and between Peter H. Leendertse, Trustee of the Peter H. Leendertse Trust Date March 29, 1991, of the First Part, hereinafter referred to as "Seller," whether one or more, and City of Wichita, a Municipal Corporation, of the Second Part, hereinafter referred to as "Buyer," whether one or more.

WITNESSETH: That for and in consideration of the mutual promises, covenants and payments hereinafter set out, the parties hereto do hereby contract to and with each other, as follows:

1. The Seller does hereby agree to sell and convey to the Buyer by a permanent utility easement and temporary construction easement the following described real property, situated in Sedgwick County, Kansas, to wit:

See attached Exhibit A

2. The Buyer hereby agrees to purchase, and pay to the Seller, as consideration for the conveyance to Buyer of the above described easement, a temporary construction easement and any and all damages the sum of THREE THOUSAND TWO HUNDRED SEVENTY AND 00/100 (\$3270.00) in the manner following, to-wit: cash upon exchange for easement agreement.

3. A complete abstract of title certified to date, or a title insurance company's commitment to insure, to the above described real property, showing a merchantable title vested in the Seller, subject to easements and restrictions of record is required. The Title Evidence shall requested and ordered by the Buyer for examination by the Buyer as promptly and expeditiously as possible, and it is understood and agreed that the Seller shall have a reasonable time after said Title Evidence has been examined in which to correct any defects in title.

4. A duly executed copy of this Purchase Agreement shall be delivered to the parties hereto.

5. It is understood and agreed between the parties hereto that time is of the essence of this contract, and that this transaction shall be consummated on or before August 25, 2007.

6. The Seller further agrees to convey the above described easement and deliver possession of the same in the same condition as they now are, reasonable wear and tear excepted.

7. Possession to be given to Buyer on or before date of disbursement of funds.

8. In the event an Owners title insurance policy is furnished, the total cost of the commitment to insure and the title insurance policy will be paid 0% by Seller and 100 % by Buyer. Buyer will pay 100% closing costs.

9. Site Assessment

A. At any time prior to the closing of this agreement, the buyer shall have the right to conduct or cause to be conducted an environmental site assessment and/or testing on the property. If an environmental audit or test reveals the presence of a hazardous substance or waste, as defined by federal or state law, or that there has been a spill or discharge of a hazardous



substance or waste on the property, the Buyer shall have the right to void this agreement upon notice to the Seller, in which event neither party shall be under any further obligation to the other, with the exception that seller shall return to Buyer any deposit made hereunder.


B. The Buyer or its agents shall have the right, without the obligation, to enter upon the property prior to closing to undertake an environmental site assessment or testing of the property, at the Buyer's sole expense.

C. Provided, however, Buyer shall in no event be obligated to close before the completion of a site assessment made pursuant to Paragraphs A and B above. If a site assessment is completed after the closing date set herein, then the Buyer and Seller shall close or the Buyer shall advise seller that this agreement is being voided pursuant to said paragraph within ten (10) days of the completion of the site assessment. The Buyer shall, if Buyer determines a site assessment is necessary, exercise good faith in commencing and diligently completing such site assessment after this agreement is executed by all parties.

**WITNESS OUR HANDS AND SEALS** the day and year first above written.

**SELLER:**

**PETER H. LEENDERTSE TRUST DATED MARCH 29, 1991:**

  
Peter H. Leendertse, Trustee

**BUYER:**

**By Direction of the City Council**

**ATTEST:**

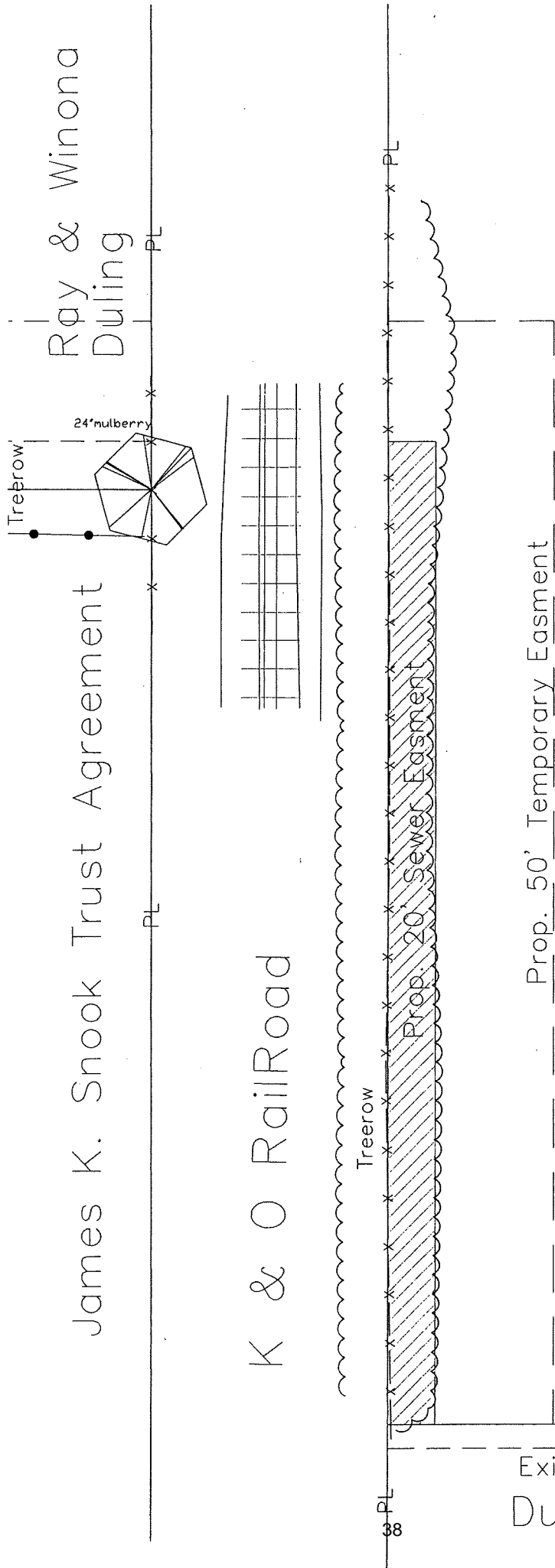
\_\_\_\_\_  
Carl Brewer, Mayor

\_\_\_\_\_  
Karen Sublett, City Clerk

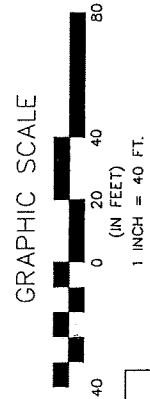
**Approved as to Form:**

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

Σ-4181-A



Peter Leendertse Trust  
Dated March 29, 1991



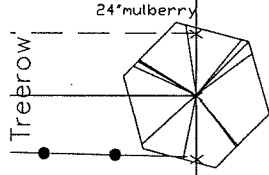
20' Sanitary Sewer Easment

THE SOUTH 408.60 FEET OF THE WEST 20.0 FEET OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 28 SOUTH, RANGE 1 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, LYING EAST OF THE K & O RAILROAD (FORMERLY THE MISSOURI PACIFIC RAILROAD - AS ESTABLISHED IN DEED BOOK 964, PAGE 39 AND IN DEED BOOK 1230, PAGE 340) AND LYING NORTH OF THAT PART PLATTED AS DULING INDUSTRIAL 2ND ADDITION TO SAID SEDGWICK COUNTY, CONTAINING 8,172.7 SQUARE FEET (0.19 ACRES) MORE OR LESS.

Exist. 10' Util. Esmt  
Duling Industrial 2nd

James K. Snook Trust Agreement

Ray & Winona  
Duling



K & O Railroad

Tree row

Prop. 20' Sewer Easement

Prop. 50' Temporary Easement

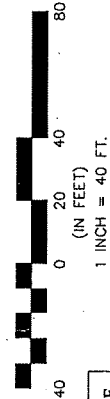
Exist. 10' Util. Esmt

Duling Industrial 2nd

Peter Leendertse Trust  
Dated March 29, 1991



GRAPHIC SCALE



Temporary 50' Construction  
Easement

THE SOUTH 458.41 FEET OF THE WEST 70.0 FEET, EXCEPT THE WEST 20.0 FEET OF THE SOUTH 408.60 FEET, OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 28 SOUTH, RANGE 1 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS, LYING EAST OF THE K & O RAILROAD (FORMERLY THE MISSOURI PACIFIC RAILROAD - AS ESTABLISHED IN DEED BOOK 964, PAGE 39 AND IN DEED BOOK 1230, PAGE 340) AND LYING NORTH OF THAT PART PLATTED AS DULING INDUSTRIAL 2ND ADDITION TO SAID SEDGWICK COUNTY, CONTAINING 23,933.4 SQUARE FEET (0.55 ACRES) MORE OR LESS.



Sewer



Printed: 5/14/2007 3:48:45 PM  
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Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.





**City of Wichita**  
**City Council Meeting**  
August 21, 2007

**TO:** Mayor and City Council Members

**SUBJECT:** Partial Acquisition of 4001 West MacArthur for the Main 22 Sanitary Sewer Project (District IV)

**INITIATED BY:** Office of Property Management

**AGENDA:** Consent

-----

**Recommendation:** Approve the acquisition.

**Background:** On August 15, 2006, City Council approved a sanitary sewer main project to serve an area along MacArthur, between a half-mile east of West Street and the Wichita-Valley Center Flood Control Ditch. It is necessary to acquire sanitary sewer easements through five parcels of land. This particular parcel is vacant and zoned Limited Industrial.

**Analysis:** The proposed acquisition area consisting of 8,172.7 square feet is located at the southwest portion of the property. A 23,933.4 square foot temporary construction easement is also required. This part of the 35-acre farmstead located at 4001 West MacArthur is vacant and in agriculture production. None of the subject parcel improvements are impacted by the project. The landowner agreed to accept the appraised value of \$3,270, or \$.40 psf.

**Financial Considerations:** \$3,300 is the requested budget for the acquisition of this parcel. This amount includes the \$3,270 purchase price and \$30 for document recording costs. The funding source is Sewer Utility and assessments to the improvement district.

**Goal Impact:** This project addresses the efficient infrastructure goal by improving and expanding sanitary sewer services to an area within the community experiencing growth.

**Legal Considerations:** The Agreement has been approved as to form by the Law Department.

**Recommendations/Actions:** It is recommended that the City Council approve the agreement, budget and authorize the necessary signatures.

**Attachments:** Real estate purchase agreement, sanitary sewer easement, temporary construction easement and aerial map.

## REAL ESTATE PURCHASE CONTRACT

THIS AGREEMENT, Made and entered into this 3<sup>rd</sup> day of August, 2007 by and between Paul S. and Hannah Olive Curtis, husband and wife, party of the First Part, hereinafter referred to as "Seller," whether one or more, and City of Wichita, a Municipal Corporation, party of the Second Part, hereinafter referred to as "Buyer," whether one or more.

**WITNESSETH:** That for and in consideration of the mutual promises, covenants and payments hereinafter set out, the parties hereto do hereby contract to and with each other, as follows:

1. The Seller does hereby agree to sell and convey to the Buyer by a good and sufficient warranty deed for the following described real property, situated in Sedgwick County, Kansas, to wit: (see attached exhibit of tracts)

### Tract "C"

Commencing from a point 230 feet South and 40 feet West of the Northeast corner of the Northeast quarter of Section 36, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence West, parallel with the North line of said Northeast quarter, a distance of 800 feet; thence Southeasterly for a distance of 580.19 feet to a point 515 feet South of said North line and 325 feet West of the East line of said Northeast quarter; thence East, perpendicular to said East line, a distance of 225 feet, to the point of beginning. From the point of beginning; thence East, perpendicular to said East line, a distance of 35 feet; thence Southeasterly for a distance of 35.36 feet to a point 40 feet West of said East line; thence South, parallel with said East line, a distance of 761.55 feet to a point on the Northerly right of way line of the Atchison, Topeka, & Santa Fe Railway; thence Westerly along said railway right of way line to a point 75 feet West of said East line; thence North, parallel with said East line, a distance of 458.69 feet to a point 860 feet South of said North line; thence Northerly for a distance of 300.38 feet to a point 560 feet South and said North line and 100 feet West of said East line; thence North, parallel with said East line, a distance of 37.54 feet to the point of beginning.

### Tract "B"

Also a tract commencing from a point 230 feet South and 40 feet West of the Northeast corner of the Northeast quarter of Section 36, Township 27 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence West parallel with the North line of said Northeast quarter, a distance of 800 feet; thence Southeasterly a distance of 580.19 feet to a point 515 feet South of said North line and 325 feet West of the East line of said Northeast quarter; thence East perpendicular to said East line, a distance of 225 feet to the point of beginning. From the point of beginning; thence East, perpendicular to said East line, a distance of 35 feet; thence Southeasterly for a distance of 35.36 feet to a point 40 feet West of said East line; thence North, parallel with said East line, a distance of 319.63 feet to a point 230 feet South of said North line; thence West, parallel with said North line, a distance of 120 feet; thence Southeasterly a distance of 136.89 feet to a point 355 feet South of said North line and 100 feet West of said East line; thence South, parallel with said East line, a distance of 167.57 feet to the point of beginning.

2. The Seller does hereby agree to sell and convey to the Buyer by a good and sufficient temporary easement for right of way purposes for the following described real property, situated in Sedgwick County, Kansas, to wit:

Tract "A"

Commencing from a point 230 feet South and 40 feet West of the Northeast corner of the Northeast Quarter of Section 36, Township 27 South, Range 2 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas; thence West, parallel with the North line of said Northeast Quarter, a distance of 120 feet to the point of beginning. From the point of beginning; thence West, parallel with said North line a distance of 680 feet; thence Southeasterly for a distance of 580.19 feet to a point 515 feet South of said North line and 325 feet West of the East line of said Northeast Quarter; thence East, perpendicular to said East line a distance of 225 feet; thence North parallel with said East line, a distance of 167.57 feet to a point 355 feet South of said North line; thence Northwesterly for distance of 136.89 feet to the point to beginning.

3. The Seller does hereby agree to sell and convey to the Buyer by a good and sufficient temporary construction easement for the following described real property, situated in Sedgwick County, Kansas, to wit:

Tract "TE-1"

Beginning at a point 230 feet South of the Northwest corner of the Northeast quarter of Section 36, Township 27 South, Range 2 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas; thence East parallel the North line of said Northeast quarter, a distance of 493.43 feet to a point on the West line of an easement for channel change per Condemnation Case A-38302; thence South along said easement for channel change to a point 290 feet South of said North line; thence Westerly for a distance of 493.86 feet to a point on the West line of said Northeast quarter thence North along said West line, a distance of 30 feet to the point of beginning.

Tract "TE-2"

Also a tract beginning at a point on the East line of an easement for channel change per Condemnation Case A-38302 and 230 feet South of the North line of the Northeast quarter of Section 36, Township 27 South, Range 2 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas; thence East, parallel with said North line a distance of 600 feet; thence Southwesterly for a distance of 227.09 feet to a point 260 feet South of said North line; thence West, parallel with said North line, a distance of 375 feet to a point on the East line of said easement for channel change; thence North along said easement for channel change, a distance of 30 feet to the point of beginning.

Buyer agrees to limit the temporary easements of both TE-1 and TE-2 to a 12 month period beginning upon the closing date of this transaction.

4. The Buyer hereby agrees to purchase, and pay to the Seller, as consideration for the conveyance to him of the above described real property, temporary easement for right of way, and temporary construction easements the sum of One Hundred Eighty-three Thousand Five Hundred Ten Dollars and No Cents (\$183,510.00) in the manner following, to-wit: cash at closing. Buyer agrees to indemnify Seller and hold Seller harmless from any and all claims arising in connection with Buyer's use of the easement, including Seller's reasonable attorney fees and other costs of defense.

5. The easement described in Section 2 Tract "A" above shall be terminated by the Buyer upon certification by the Director of Public Works for the City of Wichita as accepted by the City Council of the City of Wichita, that the easement is no longer required by the Buyer for temporary road right of way purposes. Upon termination said ownership of Tract "A" shall return

at no cost to Paul and Hannah Curtis, successors or assigned.

6. A complete abstract of title certified to date, or a title insurance company's commitment to insure, to the above described real property, showing a merchantable title vested in the seller, subject to easements and restrictions of record is required. The Title Evidence shall be sent to Property Management Division for examination by the Buyer as promptly and expeditiously as possible, and it is understood and agreed that the Seller shall have a reasonable time after said Title Evidence has been examined in which to correct any defects in title. Buyer will order title at its cost.

7. A duly executed copy of this Purchase Agreement shall be delivered to the parties hereto.

8. It is understood and agreed between the parties hereto that time is of the essence of this contract, and that this transaction shall be consummated on or before September 30, 2007.

9. The Seller further agrees to convey the above described premises with all the improvements located thereon and deliver possession of the same in the same condition as they now are, reasonable wear and tear accepted. Buyer agrees to coordinate possession of the property with Seller's tenant farmer, and all crops/hay shall remain the property of the farmer.

10. Possession to be given to Buyer on closing date.

11. In the event an Owners title insurance policy is furnished, the total cost of the commitment to insure and the title insurance policy will be paid 0% by seller and 100 % by buyer. Buyer will pay 100% closing costs.

12. Site Assessment

A. At any time prior to the closing of this agreement, the buyer shall have the right to conduct or cause to be conducted, at Buyer's expense, an environmental site assessment and/or testing on the property. If an environmental audit or test reveals the presence of a hazardous substance or waste, as defined by federal or state law, or that there has been a spill or discharge of a hazardous substance or waste on the property, the buyer shall have the right to void this agreement upon notice to the seller, in which event neither party shall be under any further obligation to the other, with the exception that seller shall return to buyer any deposit made hereunder.

B. Provided, however, buyer shall in no event be obligated to close before the completion of a site assessment made pursuant to Paragraph A above. The buyer shall, if buyer determines a site assessment is necessary, exercise good faith in commencing and diligently completing such site assessment after this agreement is executed by all parties.

13. The Selling Broker, Real Estate Resources is functioning as an agent for the Seller. Seller and Buyer acknowledge receipt of the Real Estate Brokerage brochure. The Selling Broker is acting as broker only and under no circumstances, be held liable to either party for performance or lack of performance of any other terms or conditions of this Contract, or for damages arising out of or relating to the content of this contract or the performance or non-performance of either of the parties to this contract. Buyer and Seller agree that broker does not have any expertise in evaluating the environmental condition of the property described above and that broker has made no representation concerning environmental conditions except as may be noted in this contract.



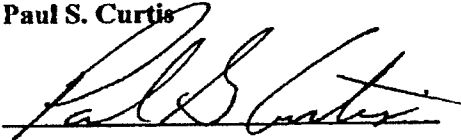
collect and disburse the brokerage fee of 5% of the Sales Price at closing to Real Estate Resources which shall be paid by Seller.

15. Buyer and Seller agree that closing of this purchase contract shall be handled by First American Title at 434 N. Main, Wichita, Kansas.
16. Seller has the option to qualify this transaction as part of a tax-deferred exchange under section 1031 of the Internal Revenue Code of 1986. Buyer agrees to cooperate in the exchange provided that Buyer incurs no additional cost, liability, or expense.

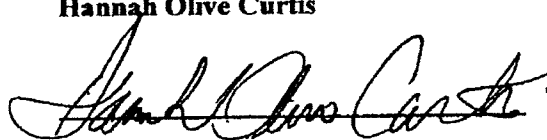
WITNESS OUR HANDS AND SEALS the day and year first above written.

**SELLER:**

Paul S. Curtis



Hannah Olive Curtis



**BUYER:**

By Direction of the City Council

**ATTEST:**

\_\_\_\_\_  
Carl Brewer, Mayor

\_\_\_\_\_  
Karen Sublett, City Clerk

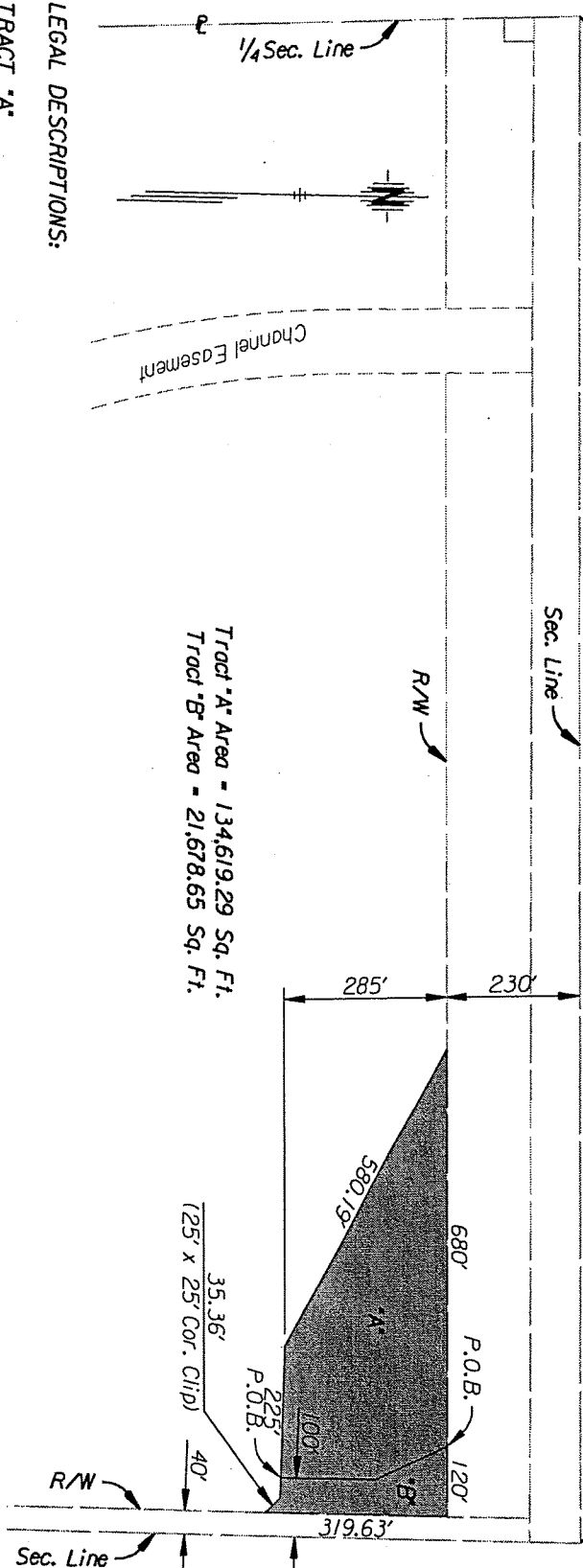
Approved as to Form:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

NW Cor., NE 1/4  
Sec. 36, T27S, R2W

# Tracts 'A' & 'B' Located within Tract AT-191

NE Cor., Sec. 36,  
T27S, R2W

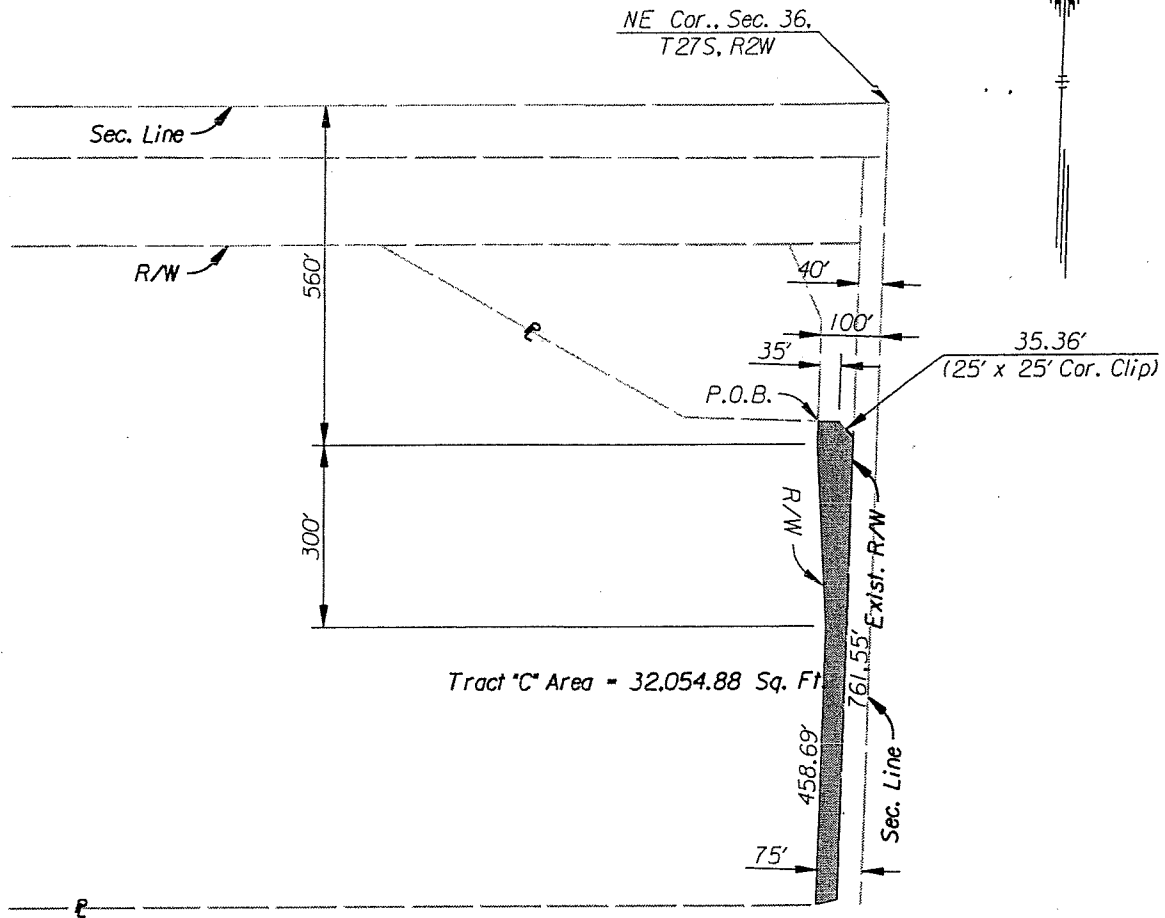


## LEGAL DESCRIPTIONS:

**TRACT 'A'**  
Commencing from a point 230 feet South and 40 feet West of the Northeast Corner of the Northeast Quarter of Section 36, Township 27 South, Range 2 West, of the 6th P. M., Sedgwick County, Kansas; thence West, parallel with the North line of said Northeast Quarter, a distance of 120 feet to the point of beginning; thence West, parallel with said North line, a distance of 680 feet; thence Southeast for a distance of 580.19 feet to a point 515 feet South of said North line and 325 feet West of the East line of said Northeast Quarter; thence East, perpendicular to said East line, a distance of 225 feet; thence North, parallel with said East line, a distance of 167.57 feet to a point 355 feet South of said North line; thence Northwest for a distance of 136.89 feet to the point of beginning, containing 134,619.29 square feet more or less.

**TRACT 'B'**  
Commencing from a point 230 feet South and 40 feet West of the Northeast Corner of the Northeast Quarter of Section 36, Township 27 South, Range 2 West, of the 6th P. M., Sedgwick County, Kansas; thence West, parallel with the North line of said Northeast Quarter, a distance of 800 feet; thence Southeast for a distance of 580.19 feet to a point 515 feet South of said North line and 325 feet West of the East line of said Northeast Quarter; thence East, perpendicular to said East line, a distance of 225 feet to the point of beginning; thence North, parallel with said East line, a distance of 120 feet; thence Southeast for a distance of 319.63 feet to a point 230 feet South of said North line; thence West, parallel with said North line, a distance of 100 feet; thence South, parallel with said East line, a distance of 167.57 feet to the point of beginning, containing 21,678.65 square feet more or less.

**Tract "C"**  
**Right of Way**



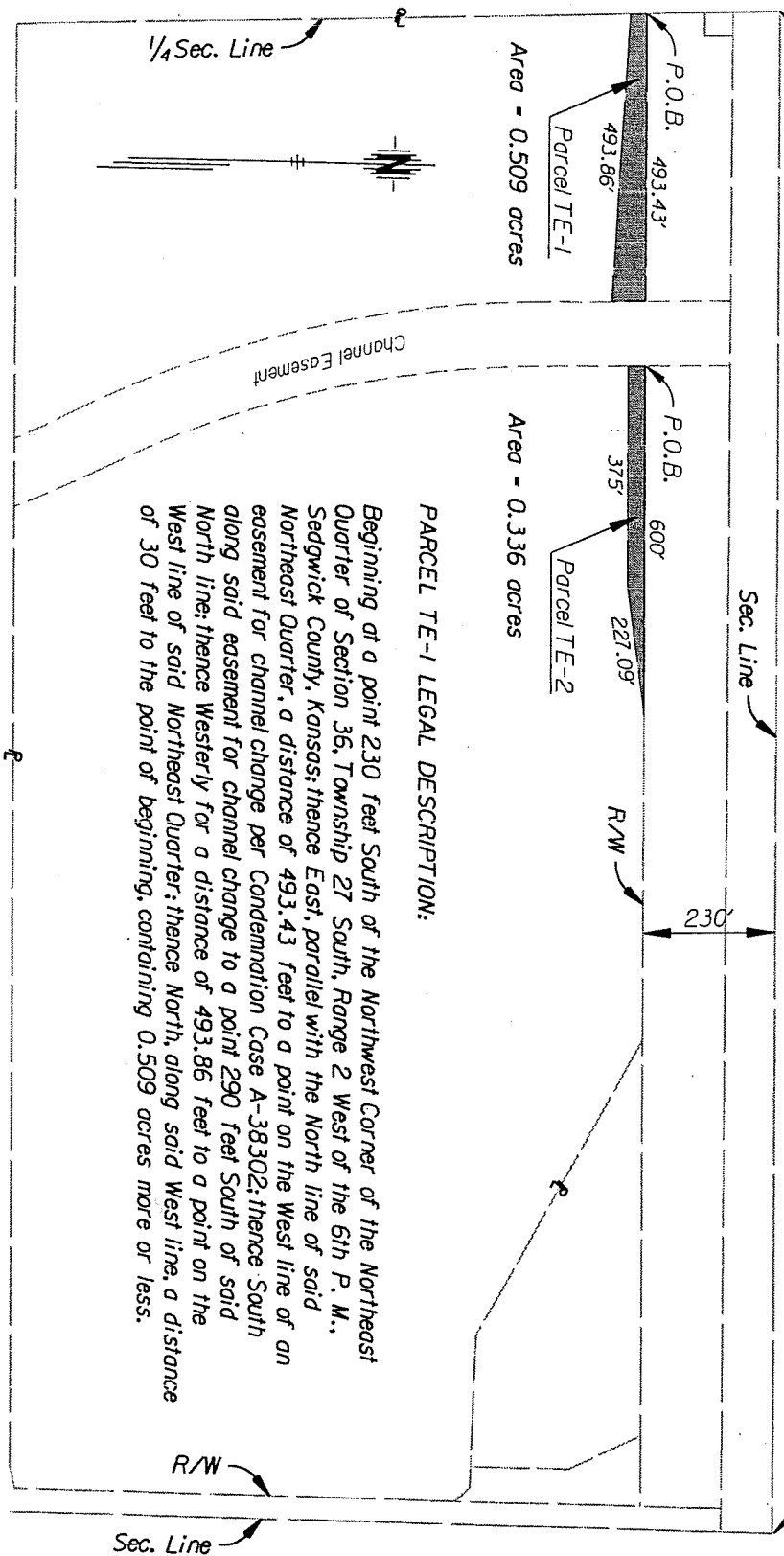
**LEGAL DESCRIPTION:**

Commencing from a point 230 feet South and 40 feet West of the Northeast Corner of the Northeast Quarter of Section 36, Township 27 South, Range 2 West of the 6th P. M., Sedgwick County, Kansas; thence West, parallel with the North line of said Northeast Quarter, a distance of 800 feet; thence Southeasterly for a distance of 580.19 feet to a point 515 feet South of said North line and 325 feet West of the East line of said Northeast Quarter; thence East, perpendicular to said East line, a distance of 225 feet, to the point of beginning. From the point of beginning; thence East, perpendicular to said East line, a distance of 35 feet; thence Southeasterly for a distance of 35.36 feet to a point 40 feet West of said East line; thence South, parallel with said East line, a distance of 761.55 feet to a point on the Northerly right of way line of the Atchison, Topeka, & Santa Fe Railway; thence Westerly along said railway right of way line to a point 75 feet West of said East line; thence North, parallel with said East line, a distance of 458.69 feet to a point 860 feet South of said North line; thence Northerly for a distance of 300.38 feet to a point 560 feet South of said North line and 100 feet West of said East line; thence North, parallel with said East line, a distance of 37.54 feet to the point of beginning, containing 32,054.88 square feet more or less.

NW Cor., NE 1/4  
Sec. 36, T 27 S, R 2 W

# Temporary Construction Easements

NE Cor., Sec. 36,  
T 27 S, R 2 W



## PARCEL TE-1 LEGAL DESCRIPTION:

Beginning at a point 230 feet South of the Northwest Corner of the Northeast Quarter of Section 36, Township 27 South, Range 2 West of the 6th P. M., Sedgwick County, Kansas; thence East, parallel with the North line of said Northeast Quarter, a distance of 493.43 feet to a point on the West line of an easement for channel change per Condemnation Case A-38302; thence South along said easement for channel change to a point 290 feet South of said North line; thence West for a distance of 493.86 feet to a point on the West line of said Northeast Quarter; thence North, along said West line, a distance of 30 feet to the point of beginning, containing 0.509 acres more or less.

## PARCEL TE-2 LEGAL DESCRIPTION:

Beginning at a point on the East line of an easement for channel change per Condemnation Case A-38302 and 230 feet South of the North line of the Northeast Quarter of Section 36, Township 27 South, Range 2 West of the 6th P. M., Sedgwick County, Kansas; thence East, parallel with said North line, a distance of 600 feet; thence Southwesterly for a distance of 227.09 feet to a point 260 feet South of said North line; thence West, parallel with said North line, a distance of 375 feet to a point on the East line of said easement for channel change; thence North, along said easement for channel change, a distance of 30 feet to the point of beginning, containing 0.336 acres more or less.



# Southwest Quadrant of Kellogg and 119th



Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or omitted by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.



**CITY OF WICHITA**  
**City Council Meeting**  
August 21, 2007

**TO:** Mayor and City Council Members

**SUBJECT:** Acquisition of Land in the Southwest Quadrant of Kellogg and 119th Street West for Improvement of West Kellogg (District V)

**INITIATED BY:** Office of Property Management

**AGENDA:** Consent

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**Recommendation:** Approve the acquisition.

**Background:** It is planned that Kellogg (US54) will be improved to freeway standards beyond 119th Street West at some time in the future. In the interim, the Kansas Department of Transportation (KDOT) has approved an access control project for the south side of Kellogg from 119th to 135th. This project consists of constructing a two-way frontage road parallel to Kellogg from 119<sup>th</sup> to 135<sup>th</sup> and eliminating all direct access to Kellogg along this mile. To provide proper clearance from the intersections, the frontage road will move south away from Kellogg near the intersections. When Kellogg is improved to freeway standards, the frontage road will be realigned to parallel Kellogg. With this acquisition, all required right of way for this project will be acquired.

**Analysis:** The acquisition was appraised for \$296,000. This includes \$83,340 for 53,733.53 square feet needed along 119<sup>th</sup> (\$1.55 per square foot), \$208,660 for 134,619.29 square feet (\$1.55 per square foot) needed to move the frontage road south of Kellogg at 119<sup>th</sup> and \$4,000 for 36,808 square feet (\$.11 per square foot) for temporary construction easements. The 134,619.29 square foot parcel will be surplus to right of way needs when Kellogg is upgraded to freeway status. The sellers desired to retain eventual ownership of this parcel. They have agreed to accept \$183,510 for the required land. This includes \$88,660 (\$1.65 per square foot) for the land needed along 119<sup>th</sup>, \$6,000 (\$.16 per square foot) for the temporary easements and \$88,860 (\$.66 per square foot) for the 134,619.29 square foot parcel with the caveat that when the freeway is completed, the City will release its easement and the land will revert to the seller. The purchase price equates to approximately 5 years of temporary easement payment. The actual holding period is undetermined but is expected to exceed 5 years.

**Financial Considerations:** A budget of \$200,000 is requested. This includes \$183,510 for the acquisition and \$16,490 for closing costs, surveys, appraisals, title insurance, etc. The funding source is Local Sales Tax revenues. It is anticipated that KDOT will reimburse the City for its acquisition costs.

**Goal Impact:** The acquisition of this parcel is necessary to ensure efficient infrastructure as this

area is rapidly growing.

**Legal Considerations:** The Law Department has approved the agreement as to form.

**Recommendation/Action:** It is recommended that the City Council approve the agreement and authorize the necessary signatures.

**Attachments:** Real estate purchase agreement, tract maps and aerial.

City of Wichita  
City Council Meeting  
August 21, 2007

**TO:** Mayor and City Council Members

**SUBJECT:** Sidewalk Repair Assessment Program ( Districts I, II, III, & IV)

**INITIATED BY:** Department of Public Works

**AGENDA:** Consent

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**Recommendation:** Approve the Assessments and Ordinance.

**Background:** State Law and City Policy provide that sidewalk maintenance is the responsibility of abutting property owners. When sidewalk trip hazards are identified, property owners are required to make repairs, either with their contractor or with the City's contractor. Property owners who use the City's contractor have the opportunity to spread the cost over five years as a special assessment.

Sidewalks are condemned in all districts and then listed in a logical order for the contractor to repair. The first list of sidewalk repair included Districts 1 through 5. The lists do not go to City Council until the sidewalks have been repaired. This is the second list of sidewalks that has been repaired under this years contract.

**Analysis:** Ordinance have been prepared to establish authority to use special assessment funding for the current list of repaired sidewalks.

**Financial Considerations:** Statements of Charges will be mailed to the property owners on August 31, 2007. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The interest added to the principal amount will be determined by the rate at which the July 2007 bond sold. The principal and interest will then be spread over 5-years and placed on the 2007 tax roll.

**Goal Impact:** This program addresses the Dynamic Core Area and Vibrant Neighborhoods goal and the Ensure Efficient Infrastructure goal by reducing sidewalk trip hazards and improving the appearance of sidewalks.

**Legal Considerations:** These assessments are in accordance with City Code 12.18.

**Recommendation/Action:** It is recommended that the City Council approve the proposed Assessments and place the Ordinances on First Reading.

**Attachments:** Property Address – Special Assessment



\_\_\_\_\_ Published in the Wichita Eagle on August 31, 2007

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR  
THE REMOVAL OF CERTAIN STRUCTURES, BEING DANGEROUS AND  
UNSAFE BUILDINGS WHICH HAVE BEEN DECLARED A NUISANCE  
(**BUILDING CONDEMNATION-DEMOLITION**) UNDER THE ROVISION  
OF SECTIONS 18.16.010 TO 18.16.090 OF THE CODE OF THE CITY OF  
WICHITA, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF  
WICHITA, KANSAS:

SECTION 1. That the sum set opposite the following lots, herein specified, be and the same is hereby levied to pay the cost of removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance under the provisions of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, located and situated upon the following described property:

DATE: 08/09/07  
LEGAL OF PARCEL IN BENEFIT DISTRICT

ASSESSMENT

PETITIONED: NO  
PROPERTY OWNER

PAGE 1

LOTS 84-86  
BLOCK 6  
KANSAS ADD.

4,544.50

C 01310  
DUPREE, FRANK ETUX  
1708 N ERIE ST  
WICHITA KS 67214-2410

LOTS 88-90-92-94  
BLOCK 6  
KANSAS ADD.

1,750.00

C 013100001  
RICE, MARQUERITE  
1811 W INDEPENDENCE ST  
TULSA OK 74127-4904

LOTS 1-3  
STRONG NOW ASH ST.  
STOUT'S ADD.

5,701.20

C 01388  
WOODS, MICHAEL E ETUX  
% BENEFICIAL FINANCE CO  
STE 111  
1855 S ROCK RD  
WICHITA KS 67207-5113

E1/2 LOTS 2-4-6-8  
ESTELLE AVE  
FAIRMOUNT PARK ADD.

547.28

C 02851  
SKUBITZ, JOE  
AFFORDABLE PROPERTIES LP  
%TOM L KIRK  
7801 DONEGAL  
WICHITA KS 67206-1617

E1/2 LOTS 2-4-6-8  
ESTELLE AVE  
FAIRMOUNT PARK ADD.

10,204.90

C 02851  
SKUBITZ, JOE  
AFFORDABLE PROPERTIES LP  
%TOM L KIRK  
7801 DONEGAL  
WICHITA KS 67206-1617

LOT 2  
BLOCK 4  
PARKMORE ADD.

358.79

C 11966  
WILLIAMS, TIMOTHY  
2207 MOSSMAN ST  
WICHITA KS 67214-3364

LOT 25  
FAIRMOUNT PARK 2ND. ADD.

10,400.00

C 15362  
GRACEY, GREGORY L  
2718 E 10TH  
WICHITA KS 67214-3212

LOT 10  
BLOCK 3  
UNIVERSITY HEIGHTS 2ND ADD.

1,711.16

C 16735  
RAUBER, TY R & BRENDA S  
P.O. BOX 20964  
WICHITA KS 67208-0964

LOT 6  
BLOCK J  
AUDREY MATLOCK HEIGHTS 1ST. ADD.

1,880.00

C 20809  
VETERANS ADMINISTRATION  
% LEROY J FRANKLIN JR  
2535 N CHAUTAUQUA  
WICHITA KS 67219-4826

PROJECT S 77443 37,097.83

SECTION 2. The sum so assessed and apportioned against the lots herein before set out and not paid within 30 days from date of notice sent out by the Debt Management Office of the Department of Finance as provided by law, shall be collected by special assessment upon the property liable therefore in one installment and placed upon the tax roll for the year **2007** and shall be certified to the County Clerk and shall be levied and collected in the same manner as other taxes, and the Debt Management Office of the Department of Finance is hereby directed to give written notice to property owner(s) owning property assessed herein, as required by law.

SECTION 3. This ordinance shall take effect and be in force from and after its publication once in the official City paper.

Passed by the Governing Body of the City of Wichita, Kansas, this **28th** day of **August, 2007**.

Signed by the Mayor.

---

Carl Brewer, Mayor

ATTEST:

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Karen Sublett, City Clerk

(SEAL)

Approved as to form

  
  
Gary E. Rebenstorf, Director of Law

\_\_\_\_ Published in the Wichita Eagle on August 31, 2007

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR  
THE REMOVAL OF CERTAIN STRUCTURES, BEING DANGEROUS AND  
UNSAFE BUILDINGS WHICH HAVE BEEN DECLARED A NUISANCE  
**(BUILDING EMERGENCY BOARD-UP)** UNDER THE PROVISION OF  
SECTIONS 18.16.010 TO 18.16.090 OF THE CODE OF THE CITY OF WICHITA,  
KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF  
WICHITA, KANSAS:

DATE: 08/09/07

LEGAL OF PARCEL IN BENEFIT DISTRICT

ASSESSMENT

PETITIONED: NO  
PROPERTY OWNER

PAGE 1

LOT 68 & S 20 FT LOT 70  
MARKET ST.  
MUNGERS ORIGINAL TOWN ADD.

120.52

A 00378  
JOHNSON, MICHAEL A  
# 700  
18000 STUDEBAKER RD  
CERRITOS CA 90703-2684

N 10 FT LOT 70 - LOT 72 & S 10 FT  
LOT 74 MARKET ST.  
MUNGERS ORIGINAL TOWN

180.65

A 00379  
JOHNSON, MICHAEL A  
# 700  
18000 STUDEBAKER RD  
CERRITOS CA 90703-2684

N 20 FT LOT 74-LOT 76  
MARKET ST.  
MUNGER'S ORIGINAL TOWN ADD.

117.79

A 00380  
JOHNSON, MICHAEL A  
# 700  
18000 STUDEBAKER RD  
CERRITOS CA 90703-2684

LOTS 245-247  
MARKET ST.  
HYDE & FERRELL'S ADD.

167.25

A 01536  
GRAHAM, JUANITA L ETAL  
7800 LAVER CT  
FT WORTH TX 76112-4519

LOTS 1-3-5 & 7  
BLOCK 8  
FAIRVIEW ADD.

158.47

A 02223  
JOHNSON, MICHAEL A  
# 700  
18000 STUDEBAKER RD  
CERRITOS CA 90703-2684

LOTS 1-3-5 & 7  
BLOCK 8  
FAIRVIEW ADD.

142.76

A 02223  
JOHNSON, MICHAEL A  
# 700  
18000 STUDEBAKER RD  
CERRITOS CA 90703-2684

LOTS 10-12-14  
MAIN ST.  
GARDNER'S ADD.

371.25

A 03295  
BALDERAS, TONY R  
2650 PARK PLACE  
WICHITA KS 67204-6325

LOTS 131-132 & W 12 1/2 FT LOT 133  
NORTH LAWN ADD.

273.02

A 08102  
ARJONA, JESSE JOE  
2704 N WELLINGTON PL  
WICHITA KS 67204-5260

LOT 17  
BLOCK 1  
SHERWOOD GLEN 2ND. ADD.

180.67

A 15438  
ATLEE, MICHAEL  
1532 W NOTTINGHAM  
WICHITA KS 67204-3413

LOT 41 & N 8 1/3 FT LOT 43 INDIANA AVE. BURLEIGH'S 3RD. ADD.	239.32	B 03477 DANDRIDGE, ALVA M 2114 RANDOM RD WICHITA KS 67214-3371
E 1/2 LOTS 50-52-54-56 WASHINGTON AVE. BURLEIGH'S 3RD. ADD.	287.44	B 03582 MC CLELLAN, MARK & CALDONIA E PO BOX 8443 WICHITA KS 67208-0443
RESERVES B-C KOENIGS ADD.	235.90	B 05882 HUND, JOHN F & KATIE A 445 N CLIFTON WICHITA KS 67208-3237
S 50 FT OF LOT 2 BLOCK 8 KINKAID'S 2ND. ADD.	231.85	B 060360001 ZEHR, ROGER 2127 S WASHINGTON WICHITA KS 67211-5047
LOTS 17-19 & N 1/2 LOT 21 LAURA AVE. WABASH AVE. SUB.	376.18	B 09777 BOB GREEN CONSTRUCTION LC P O BOX 65 MULVANE KS 67110-0065
LOTS 106-107 ROSENTHAL'S 2ND. ADD.	169.62	C 010290001 PYE, ANTHONY & GENA R 1308 N MINNEAPOLIS WICHITA KS 67214-2622
LOTS 126-128 BLOCK 12 PENNSYLVANIA ADD.	150.98	C 01453000A BUSH, FRANCIS % ALTUS M WYNN 3322 OUTLOOK POINT NORTH LAS VEGAS NV 89032-7957
EVEN LOTS 2 THRU 12 ON MINNESOTA AVE & ODD LOTS 1 THRU 23 ON PIATT AVE EXC N 10 FT FOR ST. PARKVIEW ADD.	144.80	C 01525 EAST 21ST STATION INC 826 S MADISON WICHITA KS 67211-2819
LOTS 17-19 MABEL NOW ESTELLE AVE. MOSSMAN'S 2ND. ADD.	260.90	C 02568 MATTHEWS, LORENZO 6303 BROOKFIELD CT WICHITA KS 67220

LOTS 1-3 MONA NOW POPLAR ST. MOSSMAN'S 2ND. ADD.	256.97	C 02636 PARRISH, FRANCIS M & SHEILA K LOT 1 3201 E MACARTHUR RD WICHITA KS 67216-2609
LOTS 22-23 BLOCK 14 EAST HIGHLANDS ADD.	126.98	C 106600003 CENTRAL AND OLIVER LLC %LANDMARK REAL ESTATE 155 N MARKET WICHITA KS 67202
LOT 30 EXC S 3 FT M-L -ALL LOT 31 & S 6 FT M-L LOT 32 BLOCK 6 UNIVERSITY HEIGHTS ADD.	208.07	C 16339 SPAETH, PATRICIA A 1813 IROQUOIS PUEBLO CO 81001
LOT 3 BLOCK 2 KEN-MAR ADD.	158.93	C 20176 COOK INVESTMENTS LLC % TY R. & BRENDA S. RAUBER P.O. BOX 20964 WICHITA KS 67208-6964
LOT 8 BLOCK 6 WILBER'S ADD.	133.45	C 20606 BUSER, EVELYN LOUISE 2308 N PIATT WICHITA KS 67219-4629
LOT 3 BLOCK U AUDREY MATLOCK HEIGHTS 1ST. ADD.	205.87	C 21037 COOK INVESTMENTS LLC % TY R & BRENDA S RAUBER P.O. BOX 20964 WICHITA KS 67208-6964
LOT 9 BLOCK Y AUDREY MATLOCK HEIGHTS 1ST. ADD.	248.93	C 21145 DANCY, WILLIAM M % LEROY BELL 621 NORMAN WICHITA KS 67212-4638
LOT 11 EXC S 1 FT BLOCK 4 RIDGECREST ADD.	178.03	C 24409 WILLIAMS, DAVID & ANGEL 8506 W 15TH ST N WICHITA KS 67212-5803
LOT 20 BLOCK 4 RIDGECREST ADD.	343.68	C 24418 STEWART, BILLY & OLA L 2601 N SPRUCE WICHITA KS 67219-4636



LOT 5 BLOCK 5 RIDGECREST ADD.	233.65	C 24423 JONES, LYNN W & BRENDA A 2626 N SPRUCE WICHITA KS 67219-4637
LOT 15 BLOCK 9 RIDGECREST ADD.	206.88	C 24508 DU BOSE, MARION T 1351 N PARKWOOD LN WICHITA KS 67208-2727
LOT 15 BLOCK 9 RIDGECREST ADD.	168.43	C 24508 DU BOSE, MARION T 1351 N PARKWOOD LN WICHITA KS 67208-2727
LOT 1 DETWILER'S 2ND. ADD.	148.54	C 25383 SCHUPBACH INVESTMENTS LLC 3415 BAYVIEW WICHITA KS 67204
LOT 3 BLOCK 1 WOODLAWN EAST FOURTH ADD.	158.23	C 36845 ZHENG, XIU & MANG YU WONG 3535 S MAIN ST ELKHART IN 46517
BEG 672.96 FT E NW COR NW1/4 S 382.86 FT E 308.02 FT N 382.86 FT W 310.36 FT TO BEG SEC 32-27-1W	175.40	D 0068700UP LUALLEN, RONALD L ETAL 711 E BOSTON WICHITA KS 67211-3312
LOTS 82-84 EXC W 54 FT COOP'S GROVE ADD.	137.84	D 02486 BEAL BANK S S B % COUNTRYWIDE HOME LOANS 7105 CORPORATEDRIVE PLANO TX 75024
LOTS 18-20 BLOCK E EAST UNIVERSITY ADD.	151.42	D 02631 HUEBERT, MARK E 1422 S MARTINSON WICHITA KS 67213-3658
LOTS 18-20 BLOCK E EAST UNIVERSITY ADD.	529.53	D 02631 HUEBERT, MARK E 1422 S MARTINSON WICHITA KS 67213-3658

LOT 11 BLOCK 2 EUREKA GARDENS ADD.	233.74	D 06708 SKELTON, DORIS J 3811 TAFT WICHITA KS 67213-2349
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PROJECT S    77993        7,813.94

SECTION 1. That the sum set opposite the following lots, herein specified, be and the same is hereby levied to pay the cost of removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance under the provisions of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, located and situated upon the following described property:

SECTION 2. The sum so assessed and apportioned against the lots herein before set out and not paid within 30 days from date of notice sent out by the Debt Management Office of the Department of Finance as provided by law, shall be collected by special assessment upon the property liable therefore in one installment and placed upon the tax roll for the year **2007** and shall be certified to the County Clerk and shall be levied and collected in the same manner as other taxes, and the Debt Management Office of the Department of Finance is hereby directed to give written notice to property owner(s) owning property assessed herein, as required by law.

SECTION 3. This ordinance shall take effect and be in force from and after its publication once in the official City paper.

Passed by the Governing Body of the City of Wichita, Kansas, this **28th** day of **August, 2007**.

Signed by the Mayor.


\_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

(SEAL)

Approved as to form

  
\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

**City of Wichita**  
**City Council Meeting**  
August 21, 2007

**TO:** Mayor and City Council

**SUBJECT:** Abatement of Dangerous & Unsafe Structures (All Districts)

**INITIATED BY:** Office of Central Inspection

**AGENDA:** Consent

**Recommendation:** Approve the assessments and ordinances.

**Background:** The Office of Central Inspection (OCI) supports neighborhood maintenance and improvement through abatement of public nuisances under Titles 18 and 20 of the City Code. State law and local ordinances allow the City to demolish or board up and secure private property that is in violation of Housing and Building Code standards, after proper notification of the responsible party/parties. A private contractor, or City staff performs the work, and the Office of Central Inspection bills the cost to the property owner.

**Analysis:** State law and City ordinance allow placement of the demolition and board-up costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the demolition and board up abatements in question, and OCI is requesting permission for the Department of Finance to process the necessary special assessments.

**Financial Considerations:** Statements of Charges will be mailed to the property owners on August 31, 2007. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The interest added to the principal amount will be determined by the rate at which the July 2007 bonds sold. The principal and interest will then be spread for 1-year and placed on the 2007 tax roll.

**Goal Impact:** On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Continued revitalization of the Core Area. Dangerous building condemnation actions, including demolitions and emergency property board-ups, remove blighting and unsafe buildings that are detrimental to Wichita neighborhoods.

**Legal Considerations:** The assessments are in accordance with City Code 18.16.070, 18.16.080 and 18.16.090.

**Recommendations/Actions:** It is recommended that the City Council approve the proposed assessments and place the ordinances on first reading.

**Attachments:** Property List – Special Assessments

<u>Property List</u>	<u>Office of Central Inspection</u>	<u>Amount</u>	<u>District #</u>
2207 East Mossman	gas services removal	\$ 358.79	I
2715 East 13 <sup>th</sup>	demolition (condemnation)	10,204.90	I
1954 North Ash	demolition (condemnation)	5,701.20	I
2535 N Chautauqua / garage	demolition (condemnation)	1,880.00	I
2715 East 13 <sup>th</sup>	gas services removal	547.28	I
2718 East 10 <sup>th</sup>	demolition (condemnation)	10,400.00	I
1602 N Kansas (Garage)	demolition (condemnation)	1,750.00	I
1612 N Kansas	demolition (condemnation)	4,544.50	I
1401 North Battin	demolition (condemnation)	1,711.16	I
2011 East 21st (2138 N. Minnesota)	emergency board-up	144.80	I
2417 South Laura	emergency board-up	376.18	III
2704 North Wellington Pl	emergency board-up	273.02	VI
1422 South Martinson	emergency board-up	151.42	IV
1532 West Nottingham	emergency board-up	180.67	VI
10121 West Harry	emergency board-up	175.40	V
2565 North Kansas	emergency board-up	148.54	I
2330 North Estelle	emergency board-up	248.93	I
730 North Market	emergency board-up	117.79	VI
718 North Market	emergency board-up	120.52	VI
1149 North Market	emergency board-up	167.25	VI
206 East 18 <sup>th</sup>	emergency board-up	158.47	VI
2308 North Piatt	emergency board-up	133.45	I
722 North Market	emergency board-up	180.65	VI
2650 North Park Place	emergency board-up	371.25	VI
1308 North Minneapolis	emergency board-up	169.62	I
2601 North Spruce	emergency board-up	343.68	I
2655 North Spruce	emergency board-up	178.03	I
623 South Martinson	emergency board-up	137.84	IV
727 North Doreen	emergency board-up	158.23	II
537 North Estelle	emergency board-up	260.90	I
515 North Poplar	emergency board-up	256.97	I
1422 South Martinson	emergency board-up	529.53	IV
2655 North Volutsia	emergency board-up	206.88	I
3811 West Taft	emergency board-up	233.74	IV
1615 North Oliver	emergency board-up	158.93	I
1007 E. 12 <sup>th</sup>	emergency board-up	287.44	I
1922 North Minnesota	emergency board-up	150.98	I
2356 North Grove	emergency board-up	205.87	I
2655 North Volutsia	emergency board-up	168.43	I
1626 South Emporia	emergency board-up	235.90	III
4907 East Elm	emergency board-up	126.98	I
1309 North Indiana	emergency board-up	239.32	I
1508 North Battin	emergency board-up	208.07	I
206 E. 18 <sup>th</sup>	emergency board-up	142.76	VI
2127 South Washington	emergency board-up	231.85	III
2626 North Spruce	emergency board-up	233.65	I
<b>TOTAL</b>		<b>\$44,911.77</b>	

**City of Wichita  
City Council Meeting  
August 21, 2007**

**TO:** Mayor and City Council Members

**SUBJECT:** Nuisance Abatement Assessments (All Districts)

**INITIATED BY:** Department of Environmental Services

**AGENDA:** Consent

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**Recommendation:** Approve the assessments and ordinances.

**Background:** The Department of Environmental Services supports neighborhood maintenance and improvement through abatement of nuisances under Titles 7 and 8 of the City Code. State law and local ordinances allow the City to clean up or mow private property that is in violation of environmental standards after proper notification of the responsible party. A private contractor performs the work, and Environmental Services bills the cost to the property owner.

**Analysis:** State law and city ordinances allow placement of the cleanup and mowing costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question, and Environmental Services is requesting permission for the Department of Finance to process the necessary special assessments.

**Financial Considerations:** Nuisance abatement and mowing contractors are paid through budgeted appropriations from the City's General Fund. Placement of special assessments provides for reimbursement of these expenditures to the City. Nuisance abatements to be placed on special assessment total \$35,654.37 weed mowing charges total \$21,040.38.

**Goal Impact:** Dynamic Core Area and vibrant Neighborhoods

**Legal Considerations:** These assessments are in accordance with Chapter 7.40.050 and 7.40.060 of the City Code.

**Recommendation/Action:** It is recommended that the City Council approve the proposed assessments and place the ordinances on first reading.

**Attachments:** Property List – Special Assessment

## Description of Physical Location

<b>Weed Mowing:</b>	<b><u>Amount</u></b>	<b><u>District #</u></b>
VACANT LOT N OF 1618 N KANSAS	\$ 51.64	1
V/H @ 2312 W. MAY	114.99	4
O/H @ 3945 S. EISENHOWER CT.	111.64	4
V/L ACROSS FROM 10010 E. BOSTON	163.00	2
V/L E OF 15319 E. CASTLE	111.64	2
V/L BTWN 3516 & 3544 N. FAIRVIEW	111.64	6
V/TRIPLEX @ 2625 S. HOLYOKE CT	111.64	3
O/H @ 3616 E. LEAHY CT	111.64	3
O/H @ 3624 E. LEAHY CT	111.64	3
V/L BTWN 5728 & 5750 S. SENECA	118.00	4
O/H @ 2233 WHITE OAK (TWINHOME)	111.64	2
V/L BEHIND 9701 E. HARRY	152.00	2
O/TWINHOME @ 455-453 S. CARLTON CR.	111.64	5
V/L BTWN 1820 & 1900 S. LARK	111.64	4
V/L BTWN 2307 & 2317 N. PIATT	111.64	1
O/H @ 2632 N. MADISON	111.64	1
V/H S OF 2632 N. ESTELLE	111.64	1
V/H @ 2049 N. MINNEAPOLIS	111.64	1
V/H @ 2043 N. MINNEAPOLIS	111.64	1
V/L S OF 2031 N. MINNEAPOLIS	111.64	1
O/H @ 1501 N. MINNESOTA	111.64	1
V/L NW COR 15TH & KANSAS	111.64	1
V/L S OF 1548 N. ASH	111.64	1
V/L S OF 1437 N. MADISON	111.64	1
V/L BEHIND 1349 N. MINNESOTA	111.64	1
O/BLDG @ 330 N. CLEVELAND	111.64	1
O/H @ 2021 S. GREENWOOD	111.64	3
O/H @ 4623 S. KANSAS	111.64	3
V/L 2 S OF 315 S. ST FRANCIS	114.99	1
V/BLDG @ 515 E. DEWEY	114.99	1
O/H @ 1343 S. WATER	114.99	1
V/H @ 2130 S. WATER	114.99	3
V/L BTWN 2940 & 2988 S. CLIFTON	114.99	3
O/H BTWN 5502 & 5510 S. GLENN	114.99	4
O/BLDG @ 2717 N. BROADWAY	114.99	6
V/L 2 S OF 1530 N. MOSLEY	114.99	6
V/H @ 2102 E. RANDOM RD	114.99	1
V/DUPLEX @ 2117 E. 9TH	114.99	1
V/L NE COR 10TH & MATHEWSON	114.99	1
V/H @ 1116 N. MATHEWSON	114.99	1
V/H @ 1144 N. WABASH	114.99	1
O/H @ 1140 N. INDIANA	114.99	1
V/L SW COR 11TH & INDIANA	114.99	1
V/L S OF 1224 N. INDIANA	114.99	1
V/H @ 1309 N. INDIANA	114.99	1
V/L SW COR 12TH & OHIO	114.99	1
V/H S OF 1024 N. OHIO	114.99	1
V/L BTWN 1103 & 1109 N. OHIO	114.99	1
V/H S OF 1156 N. CLEVELAND	114.99	1
V/L NE COR 12TH & MOSLEY	114.99	1
O/H @ 538 S. LULU	114.99	1
O/H @ 1839 S. MOSLEY	114.99	3
O/H @ 1916 S. MOSLEY	114.99	3

V/L BTWN 532 & 540 S. ALL HALLOWS	114.99	4
V/L W SIDE MAIZE RD BTWN HIDDEN VALLEY & HAYDEN	337.00	5
O/BLDG @ 2707 N. GROVE	114.99	1
V/L W OF 2602 E. STADIUM	114.99	1
V/L S OF 948 N. GLENDALE	114.99	1
V/BLDG @ 230 N. HYDRAULIC	114.99	1
O/H @ 227 N. HYDRAULIC	114.99	1
O/H @ 223 N. HYDRAULIC	114.99	1
V/H @ 207 N. SPRUCE	114.99	1
O/H @ 144 N. SPRUCE	114.99	1
V/H @ 212 N. MADISON	114.99	1
O/H @ 417 N. KANSAS	114.99	1
V/L SW COR 1ST & KANSAS	114.99	1
V/L W OF SW COR 1ST & KANSAS	114.99	1
O/H @ 2827 W. HADDEN	114.99	4
O/H @ 1515 S. RICHMOND	114.99	4
V/H @ 2410 N. FAIRVIEW	114.99	6
V/H @ 2004 N. FAIRVIEW	114.99	6
O/H @ 835 N. CHAUTAUQUA	114.99	1
O/H @ 637 S. HYDRAULIC	114.99	1
O/H @ 1515 S. HYDRAULIC	114.99	1
O/H @ 1845 S. MOSLEY	114.99	3
O/H @ 1858 S. MOSLEY	114.99	3
V/H BTWN 1920 & 1940 S. SEDGWICK	114.99	4
O/H @ 10719-10721 W. NANTUCKET	114.99	5
V/BLDG @ 3825 W. DOUGLAS	114.99	6
O/H @ 223 N. MERIDIAN	114.99	6
V/BLDG NW COR 9TH & GROVE	114.99	1
V/H @ 1006 N. GROVE	114.99	1
V/L N OF 1024 N. GROVE	114.99	1
V/H @ 1242 N. GROVE	114.99	1
V/L S OF 1517 N. GROVE	114.99	1
V/H S OF 1237 N. MATHEWSON	114.99	1
O/H @ 1237 N. MATHEWSON	114.99	1
V/L S OF 718 N. MARKET	114.99	6
O/BLDG (APTS) @ 718 N. MARKET	114.99	6
O/APTS @ 722 N. MARKET	114.99	6
O/APTS @ 730 N. MARKET	114.99	6
O/H @ 619 S. PERSHING	114.99	2
V/H @ 1117 S. MAIN	114.99	1
O/H @ 1209 S. WATER	114.99	1
V/BLDG @ 1444 S. ST CLAIR	114.99	4
V/L BEHIND 1801 S. WACO	114.99	3
O/H @ 2117 S. TOPEKA	114.99	3
V/H @ 4533 S. CHARLES	114.99	4
O/H @ 7513 E. LINCOLN	114.99	2
O/H @ 1622 N. BRUNSWICK	114.99	5
O/H @ 1648 N. BRUNSWICK	114.99	5
O/H @ 1650 N. BRUNSWICK	114.99	5
V/H @ 629 N. HOOVER	114.99	6
V/L BTWN 1130 & 1136 S. EDWARDS	114.99	4
O/H @ 1611 S. RICHMOND	114.99	4
O/H @ 1831 S. ST PAUL	114.99	4
V/L N OF 2044 N. KANSAS	114.99	1
V/L S OF 2031 N. MINNEAPOLIS	114.99	1
V/L N OF 1336 N. CHAUTAUQUA	114.99	1



V/L BTWN 1318 & 1328 N. CHAUTAUQUA	114.99	1
V/H @ 1106 N. CHAUTAUQUA	114.99	1
V/L N OF 1216 N. VOLUTSIA	114.99	1
V/L N OF 1217 N. ERIE	114.99	1
V/L S OF 706 N. PIATT	114.99	1
V/L @ NE COR 11TH & ESTELLE	114.99	1
V/L @ SW COR 10TH & GREEN	114.99	1
V/L S OF 1146 N. GREEN	114.99	1
V/L @ SE COR 12TH & GREEN	114.99	1
V/L S OF SE COR 12TH & GREEN	114.99	1
V/L N OF 1237 N. GREEN	114.99	1
V/L @ SW COR 12TH & POPLAR	114.99	1
V/L S OF 1228 N. POPLAR	114.99	1
V/L BTWN 1223 & 1231 N. POPLAR	114.99	1
V/L 2 N OF 1332 N. POPLAR	114.99	1
V/L SW COR 15TH & POPLAR	114.99	1
V/H @ 1055 N. POPLAR	114.99	1
O/DUPLEX @ 2718 E. 10TH	114.99	1
V/H @ 2326 E. MOSSMAN	114.99	1
V/L S OF 714 N. CLEVELAND	114.99	1
V/H S OF 624 N. CLEVELAND	114.99	1
V/L SE COR CLEVELAND & ELM	114.99	1
V/H @ 538 S. LULU	114.99	1
V/H @ 1735 S. BROADWAY	114.99	3
O/H @ 2608 S. SANTA FE	114.99	3
O/H @ 1315 E. FORTUNA	114.99	3
O/DUPLEX @ 1515 E. FORTUNA	114.99	3
O/H @ 1207 S. LONGFELLOW	114.99	2
V/L BTWN 320 & 440 S. CHASE	114.99	4
O/H @ 5210 E. LOOMAN	114.99	1
V/L BTWN 2314 & 2324 N. VOLUTSIA	121.99	1
V/L SW COR 23RD & POPLAR	114.99	1
V/L E OF 2423 E. STADIUM	114.99	1
V/H @ 2635 E. STADIUM	114.99	1
V/L SW COR ERIE & SHADYBROOK	114.99	1
V/H @ 1740 N. CHAUTAUQUA	114.99	1
V/H @ 1748 N. ESTELLE	114.99	1
V/H @ 1725 N. ESTELLE	114.99	1
V/H @ 1648 N. ESTELLE	114.99	1
V/L S OF 1626 N. GROVE	114.99	1
V/L N OF 1425 N. GROVE	114.99	1
V/L BTWN 1421 & 1433 N. ESTELLE	114.99	1
V/L 2 S OF 1446 N. ESTELLE	114.99	1
V/L BTWN 1446 & 1458 N. ESTELLE	114.99	1
V/L S OF 1446 N. ESTELLE	114.99	1
O/H @ 1122 N. GROVE	114.99	1
V/L BTWN 520 & 526 N. POPLAR	114.99	1
O/H @ 1025 N. PINECREST	114.99	1
O/H @ 909 N. WATER	114.99	6
V/DUPLEX @ 4953 E. MORRIS	114.99	3
O/H @ 2720 S. SOUTHEAST DRIVE	114.99	3
V/H @ 7721 E. MORRIS	114.99	3
V/L ACROSS FROM 10010 E. BOSTON	165.54	3
V/BLDG @ 11770 W. 21ST	114.99	5
V/L N OF 3113 RIDGE PORT	114.99	5
V/L BTWN 2101 & 2109 N. MINNESOTA	114.99	1

V/H @ 2415 N. MASCOT	114.99	6
V/L S OF 1924 N. HYDRAULIC	114.99	1
V/L 2 S OF 1924 N. HYDRAULIC	114.99	1
V/BLDG @ 2011 E. 21ST	114.99	1
O/APTS @ 125 S. SENECA	114.99	4
V/L BTWN 611 & 621 S. PATTIE	114.99	1
O/H @ 705 S. PATTIE	114.99	1
O/H @ 1652 S. MILLWOOD	114.99	4
O/H @ 2315 W. GRANT	114.99	4
V/H @ 4240 E. KINKAID	114.99	3
O/H @ 2453 S. MOSLEY	114.99	3
O/H @ 2804 S. BONN	114.99	4
O/H @ 1722 W. DIANE	114.99	4
V/H @ 5507 S. GLENN	114.99	4
O/H @ 6955 S. RUTAN	114.99	3
O/H @ 7708 E. LINCOLN	<u>114.99</u>	2
<b>TOTAL</b>	<b>\$21,040.38</b>	

<b><u>Lot Clean-Up:</u></b>	<b><u>Amount</u></b>	<b><u>District #</u></b>
10402 E Harry	\$376.66	
6416 E. COTTONWOOD	342.80	3
6404 E. COTTONWOOD	342.80	3
229 S. FLORENCE	1,104.45	4
VACANT LOT SOUTH OF 1007 S. WATER	611.42	1
703 S. BROADVIEW	615.70	3
VACANT LOT SOUTH OF 638 N. BYRD	545.20	2
414 N. CLAYTON	774.63	4
1316 N. DELLROSE	958.01	1
923 W. MONA	809.40	4
1736 S. RICHMOND	334.00	4
1732 S. RICHMOND	334.00	4
VACANT LOT NORTH OF 3704 N. ARMSTRONG	937.76	6
641 N. BEECH	589.25	2
1110 N. MADISON	805.10	1
730 N. EISENHOWER	595.90	4
VACANT LOT NORTH OF 1428 N. GROVE	1,721.02	1
1301 N. GROVE	973.49	1
1025 N. PINECREST	672.00	1
433 N. GROVE	483.80	1
VACANT LOT EAST OF 15329 E. CASTLE	1,078.87	2
1309 N. WABASH	1,058.98	1
1306 S. GREENWOOD	837.57	1
3811 W. TAFT	584.80	4
8232 W. BEKEMEYER	600.03	5
2034 N. WACO	2,148.67	6
1841 N. ESTELLE	983.01	1
VACANT LOT SOUTH OF 701 E. HARRY	616.61	3
1437 N. OTIS	1,552.67	6
VACANT LOT NORTH OF 1146 N. MARKET	853.24	6
3408 N. FAIRVIEW	623.12	6
VACANT LOT NORTH OF 835 N. WABASH	967.20	1
VACANT LOT NORTH OF 529 N. WABASH	954.60	1
VACANT LOT @ SW CORNER 19 <sup>TH</sup> & HYDRAULIC	1,810.43	1
VACANT LOT BETWEEN 412 & 420 N. ASH	995.35	1
2232 S. HIRAM	364.40	4
3341 N. WELLINGTON PLACE	1,306.62	6

NORTHWEST CORNER 10 <sup>TH</sup> & WABASH	617.26	1
642 N. ERIE	957.11	1
VACANT LOT SOUTH OF 1442 N. LORRAINE	751.72	1
1531 N. MINNESOTA	964.72	1
1307 N. DELLROSE	<u>1,100.00</u>	1
<b>TOTAL</b>	<b>\$35,654.37</b>	

\_\_\_\_\_ Published in The Wichita Eagle on August 31, 2007

ORDINANCE NO. \_\_\_\_\_.

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR THE  
COST OF **CUTTING WEEDS** IN THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF  
WICHITA, KANSAS:

SECTION 1. That the sums set opposite the following lots, tracts, pieces and  
parcels of land or ground, herein specified, be and the same are hereby levied to pay the cost of  
cutting weeds in the City of Wichita, Kansas in the year 2007:

DATE: 08/09/07

LEGAL OF PARCEL IN BENEFIT DISTRICT

PETITIONED: NO

PROPERTY OWNER

PAGE 1

ASSESSMENT

LOTS 64-66 MARKET ST. MUNGER'S ORIGINAL TOWN	114.99	A 00377000A JOHNSON, MICHAEL A # 700 18000 STUDEBAKER RD CERRITOS CA 90703-2684
LOT 68 & S 20 FT LOT 70 MARKET ST. MUNGERS ORIGINAL TOWN ADD.	114.99	A 00378 JOHNSON, MICHAEL A # 700 18000 STUDEBAKER RD CERRITOS CA 90703-2684
N 10 FT LOT 70 - LOT 72 & S 10 FT LOT 74 MARKET ST. MUNGERS ORIGINAL TOWN	114.99	A 00379 JOHNSON, MICHAEL A # 700 18000 STUDEBAKER RD CERRITOS CA 90703-2684
N 20 FT LOT 74-LOT 76 MARKET ST. MUNGER'S ORIGINAL TOWN ADD.	114.99	A 00380 JOHNSON, MICHAEL A # 700 18000 STUDEBAKER RD CERRITOS CA 90703-2684
LOT 123 WATER ST. MUNGER'S ORIGINAL TOWN	114.99	A 005910001 DALE, GREGORY 313 S BROOKSIDE WICHITA KS 67218-1735
S 17 FT LOT 44 & N 17 FT LOT 46 EXC E 8 FT BLOCK 1 AVONDALE ADD.	114.99	A 02574 GRAY, JEFFREY T & ALISSA J 2004 N FAIRVIEW WICHITA KS 67203-2529
S 17 FT LOT 38 - ALL LOT 40 & N 8 FT LOT 42 WATER ST. MENLO PARK ADD.	114.99	A 02748 CASTILLO, MARIA 2410 N FAIRVIEW WICHITA KS 67204-6222
LOTS 38-40 BLOCK 7 MASCOT ADD.	114.99	A 052850001 SAGESER, DEE W 3432 S BONN WICHITA KS 67217-2136
LOTS 155-157 MAIN ST. LEE'S ADD.	114.99	A 06024 VIVID PROPERTIES LLC 621 HIGH ST OREGON CITY OR 97045

LOTS 81-83 & N 19 FT LOT 85 WATER ST. FEGTLY'S ADD.	114.99	A 06421 CARSTEDT, ROBERT W % RONALD PACE 1230 S HYDRAULIC WICHITA KS 67211-3611
LOTS 9-11 WATER ST. SCHOTT'S ADD.	114.99	A 06454 GREENWAY, ROBERT PO BOX 3721 WICHITA KS 67201-3721
LOTS 78-80 LAWRENCE AVE ENGLISH 6TH. ADD.	114.99	A 06861 NGUYEN, UT V & HUONG T VO 1735 S BROADWAY WICHITA KS 67211-4122
LOTS 109-111 WATER ST. ENGLISH'S 9TH ADD.	114.99	A 07302 CAPPS, CHERYL A 1934 N ARKANSAS WICHITA KS 67203-2565
E 1/2 LOTS 1-2 SUPPL PLAT OF ROSENTHAL'S 5TH. ADD.	114.99	A 07681 CRAWFORD, MARK S & CYNTHIA L 417 W FUNSTON WICHITA KS 67213-5001
LOTS 10-11-12-13 EXC ST CC A-30567 NORTH LAWN ADD.	114.99	A 08056 DELGADO, TONY & MARIA L SALAZAR 2514 HAZELWOOD WICHITA KS 67205-2411
LOTS 7-8 BLOCK 3 JONES PARK ADD.	111.64	A 12530 RUBEL, ELIZABETH APT 223 5020 LYNNHAVEN PKWY VIRGINIA BEACH VA 23464-7845
LOTS 28 THRU 31 EXC W 25 FT FOR ST & LOTS 47 THRU 50 EXC E 5 FT FOR ST & VAC ALLEY BETWEEN & 23 FT SURP. ADJ ON S EXC COND. CASE 84C-2866 HARGIS & RUBERT ADDITION	114.99	B 009250001 KATO INC % SHELDON J. KAMEN 800 E 21ST. ST. WICHITA KS 67214-1326
LOTS 110-112 EXC W 8 FT FOR ST & 1/2 VAC ALLEY ON E MOSLEY AVE. GLAZE & JOCELYN'S ADD.	114.99	B 018820001 CARGILL, INCORPORATED PO BOX 5626 MINNEAPOLIS MN 55440-5626

LOTS 37-39 EXC E 2 1/2 FT FOR ALLEY CLEVELAND AVE. MATHEWSON'S 4TH. ADD.	111.64	B 02454 HILLER, HORST K REV TR 630 N WASHINGTON WICHITA KS 67214-3840
LOT 12 HYDRAULIC AVE MATHEWSON'S 4TH. ADD.	114.99	B 02608 JOHNSON, MICHAEL A # 700 18000 STUDEBAKER RD CERRITOS CA 90703-2684
LOT 14 HYDRAULIC AVE. MATHEWSON'S 4TH. ADD.	114.99	B 02609 JOHNSON, MICHAEL A # 700 18000 STUDEBAKER RD CERRITOS CA 90703-2684
LOTS 7-9 CLEVELAND AVE. ALLEN'S 2ND. ADD.	114.99	B 02781 GARRETT, HARVEY E % CORDIA J TAYLOR 2231 N YALE WICHITA KS 67220-2817
LOTS 6-7 SHIRK'S ADD.	114.99	B 02911 DAWSON, JUANITA W ETAL % EMMA L. JORDAN 1118 N POPLAR WICHITA KS 67214-3165
LOT 16 & N 20 FT LOT 17 SHIRK'S ADD.	114.99	B 02916 JOHNSTON, QUANETT TASHENE 1148 N MAIN WICHITA KS 67203-3611
LOTS 60-62-64 GRANVILLE PARK ADD.	114.99	B 03265 THOMAS, HENRY C JR 1311 N GROVE WICHITA KS 67214-2501
LOTS 66-68-70 GRANVILLE PARK ADD.	114.99	B 03266 THOMAS, HENRY C JR 1311 N GROVE WICHITA KS 67214-2501
LOTS 87-89 CLEVELAND AVE. GETTO'S ADD.	114.99	B 03339 TUMBLESON, BERTHA ETAL % O'NEIL & JULIE DAVIS 5017 E 21ST N WICHITA KS 67208-1604

LOTS 47-49-51 ALLEN NOW MATHEWSON AVE. GETTO'S ADD.	114.99	B 03364 JMB PROPERTIES LLC 5009 SPRING AVE KANSAS CITY MO 64133-2664
LOTS 57-59 ALLEN NOW MATHEWSON AVE. GETTO'S ADD.	114.99	B 03366 GILMORE, JOETTA % TRACI GILMORE-PAGE 2511 E GRAHAM WICHITA KS 67214-2148
S 20 FT LOT 80 - ALL LOT 82 & N 15 FT LOT 84 INDIANA AVE. BURLEIGH'S 3RD. ADD.	114.99	B 03461 MISSOURI PARTNERS INC BLDG 3 800 STATE HIGHWAY 248 BRANSON MO 65616
LOT 41 & N 8 1/3 FT LOT 43 INDIANA AVE. BURLEIGH'S 3RD. ADD.	114.99	B 03477 DANDRIDGE, ALVA M 2114 RANDOM RD WICHITA KS 67214-3371
LOTS 49-51 OHIO AVE. BURLEIGH'S 3RD. ADD.	114.99	B 03516 MISSOURI PARTNERS INC BLDG 3 800 STATE HWY 248 BRANSON MO 65616-4078
S 34 FT N 64 FT RES A EXC E 30 FT READ & OONK'S ADD.	114.99	B 03627 JACKSON, ABNER V %STEPHANIE J COUSIN ADMINISTRATOR 2877 N CONQUEST ST WICHITA KS 67219-4757
LOTS 53-55 WABASH ADD.	114.99	B 03651 JMB PROPERTIES LLC 5009 SPRING AVE KANSAS CITY MO 64133-2664
S 10.5 FT LOT 60-ALL LOT 62 ST FRANCIS AVE. ENGLISH'S ADD. PER COND. CASE 06CV03573 FOR ARENA	114.99	B 042050001 SEDGWICK COUNTY 538 N MAIN WICHITA KS 67203-3702
LOTS 17-19 4TH NOW ST FRANCIS ENGLISH'S 5TH ADD.	114.99	B 04381 GREENHOUSE FLOWERS INC 518 FORRESTVIEW CT RAYMORE MO 64083-8280



LOT 2 & N 19 FT LOT 4 CHERRY NOW INDIANA AVE. HOFF'S ADD.	114.99	B 04409 HORTON, JAMES H PO BOX 347163 SAN FRANCISCO CA 94134
LOTS 127-129 RANSON & KAY 2ND ADD	114.99	B 05635 HODGE, APRIL T 1851 PARK PLACE WICHITA KS 67203-2542
LOTS 131-133 RANSON & KAY'S 2ND. ADD.	114.99	B 05636 HODGE, APRIL T 1851 PARK PL WICHITA KS 67203-2542
LOTS 142-144 EXC E 70 FT RANSON & KAYS 2ND. ADD.	114.99	B 05667 ANDERSON, EDDIE A & P ELAINE 1858 S MOSLEY WICHITA KS 67211-4322
LOTS 158-160 RANSON & KAYS 2ND. ADD.	114.99	B 05670 COCHRAN-STEWART INVESTMENT 2347 N AMIDON WICHITA KS 67204-5629
LOTS 14-16 TOPEKA AVE FARNUM'S SUB.	114.99	B 06166 CARPENTER, CEANNDR A C 2117 S TOPEKA WICHITA KS 67211-4834
LOTS 231-233 BURR'S 2ND. ADD.	114.99	B 06990 PACHECO, ROBERT C & CARLA 637 S HYDRAULIC WICHITA KS 67211-2703
LOTS 25-26 KELLOGG ST. ADD.	114.99	B 07090 RIVERA, HENRY PO BOX 783102 WICHITA KS 67278
LOTS 25-26 KELLOGG ST. ADD.	114.99	B 07090 RIVERA, HENRY PO BOX 783102 WICHITA KS 67278

LOTS 14-16 PATTIE AVE. WOLLMAN'S ADD.	114.99	B 07262 GILDER, BRUCE P O BOX 16789 WICHITA KS 67216-0789
LOTS 42-44 PATTIE AVE. WOLLMAN'S ADD.	114.99	B 07269 WICHITA HABITAT FOR HUMANITY INC 617 S PATTIE WICHITA KS 67211-2537
S 1/2 LOT 61-ALL LOT 63 HYDRAULIC AVE. MC CORMICK'S ADD.	114.99	B 08174 PJE LLC 2728 N NORTH SHORE CT WICHITA KS 67205-1072
LOTS 18-20 WABASH 2ND ADD.	114.99	B 08688 HILTON, BRADLEY 1022 N OHIO WICHITA KS 67214-3049
S 43 FT OF TR BEG 20 RDS E & 8 RDS S OF NW COR SW 1/4 NE 1/4 S 125 FT E 165 FT N 125 FT W 165 FT TO BEG EXC W 28 FT FOR ST SEC 16-27-1E	114.99	B 08894 HENDERSON, MICHAEL #311 520 W 103RD ST KANSAS CITY MO 64114-4503
LOT 10 BLOCK 2 PURCELL'S 3RD. ADD.	114.99	B 09130 NORTH AMERICAN SAVINGS BANK FSB 2453 S MOSLEY WICHITA KS 67216-1114
LOT 1 BLOCK 2 PURCELL'S 4TH ADD.	114.99	B 09648 RUIZ, CONSUELO 2608 S SANTA FE WICHITA KS 67216-1131
LOT 4 EXC HY BODINE'S ADDITION	111.64	B 10214 GEORGE, PAULA 1950 ELLIS WICHITA KS 67211-4525
E 14.8 FT LOT 2 & W 44.4 FT LOT 3 BLOCK 9 RAINBOW FIRST ADD.	114.99	B 11393 BANK OF NEW YORK TRUST COMPANY N A JP MORGAN CHASE BANK N A TRUSTEE 1315 E FORTUNA WICHITA KS 67216-1630

LOT 2 & N 19 FT LOT 4 CHERRY NOW INDIANA AVE. HOFF'S ADD.	114.99	B 04409 HORTON, JAMES H PO BOX 347163 SAN FRANCISCO CA 94134
LOTS 127-129 RANSON & KAY 2ND ADD	114.99	B 05635 HODGE, APRIL T 1851 PARK PLACE WICHITA KS 67203-2542
LOTS 131-133 RANSON & KAY'S 2ND. ADD.	114.99	B 05636 HODGE, APRIL T 1851 PARK PL WICHITA KS 67203-2542
LOTS 142-144 EXC E 70 FT RANSON & KAYS 2ND. ADD.	114.99	B 05667 ANDERSON, EDDIE A & P ELAINE 1858 S MOSLEY WICHITA KS 67211-4322
LOTS 158-160 RANSON & KAYS 2ND. ADD.	114.99	B 05670 COCHRAN-STEWART INVESTMENT 2347 N AMIDON WICHITA KS 67204-5629
LOTS 14-16 TOPEKA AVE FARNUM'S SUB.	114.99	B 06166 CARPENTER, CEANNDR A C 2117 S TOPEKA WICHITA KS 67211-4834
LOTS 231-233 BURR'S 2ND. ADD.	114.99	B 06990 PACHECO, ROBERT C & CARLA 637 S HYDRAULIC WICHITA KS 67211-2703
LOTS 25-26 KELLOGG ST. ADD.	114.99	B 07090 RIVERA, HENRY PO BOX 783102 WICHITA KS 67278
LOTS 25-26 KELLOGG ST. ADD.	114.99	B 07090 RIVERA, HENRY PO BOX 783102 WICHITA KS 67278

LOTS 14-16 PATTIE AVE. WOLLMAN'S ADD.	114.99	B 07262 GILDER, BRUCE P O BOX 16789 WICHITA KS 67216-0789
LOTS 42-44 PATTIE AVE. WOLLMAN'S ADD.	114.99	B 07269 WICHITA HABITAT FOR HUMANITY INC 617 S PATTIE WICHITA KS 67211-2537
S 1/2 LOT 61-ALL LOT 63 HYDRAULIC AVE. MC CORMICK'S ADD.	114.99	B 08174 PJE LLC 2728 N NORTH SHORE CT WICHITA KS 67205-1072
LOTS 18-20 WABASH 2ND ADD.	114.99	B 08688 HILTON, BRADLEY 1022 N OHIO WICHITA KS 67214-3049
S 43 FT OF TR BEG 20 RDS E & 8 RDS S OF NW COR SW 1/4 NE 1/4 S 125 FT E 165 FT N 125 FT W 165 FT TO BEG EXC W 28 FT FOR ST SEC 16-27-1E	114.99	B 08894 HENDERSON, MICHAEL #311 520 W 103RD ST KANSAS CITY MO 64114-4503
LOT 10 BLOCK 2 PURCELL'S 3RD. ADD.	114.99	B 09130 NORTH AMERICAN SAVINGS BANK FSB 2453 S MOSLEY WICHITA KS 67216-1114
LOT 1 BLOCK 2 PURCELL'S 4TH ADD.	114.99	B 09648 RUIZ, CONSUELO 2608 S SANTA FE WICHITA KS 67216-1131
LOT 4 EXC HY BODINE'S ADDITION	111.64	B 10214 GEORGE, PAULA 1950 ELLIS WICHITA KS 67211-4525
E 14.8 FT LOT 2 & W 44.4 FT LOT 3 BLOCK 9 RAINBOW FIRST ADD.	114.99	B 11393 BANK OF NEW YORK TRUST COMPANY N A JP MORGAN CHASE BANK N A TRUSTEE 1315 E FORTUNA WICHITA KS 67216-1630

W 36.90 FT LOT 3 BLOCK 21 RAINBOW FIRST ADD.	114.99	B 115920001 SIWELL, INC DBA CAPITAL MORTGAGE SERVICES OF TEXAS 1515 FORTUNA WICHITA KS 67216-1634
S 1 FT E 60 FT LOT 29 ALL LOTS 31-33 VENICE NOW KANSAS MC CAMPBELL'S ADD.	114.99	C 00009 HERNANDEZ, ANGELICA FC HILDAGO 434 COL ESTERELLA 07810 MEXICO
W 90 FT LOT 25 SPRUCE AVE. PARK PLACE ADD.	114.99	C 00454 PATRICK, RICHARD LYNN & EDMOND JAMES 144 N SPRUCE WICHITA KS 67214-4440
LOT 22 EXC N 1/2 FT SPRUCE AVE. PARK PLACE ADD.	114.99	C 00473 WILHITE, SHIRLEY J UNIT 135 623 W GUADALUPE RD MESA AZ 85210-7746
LOT 19 LOCUST NOW MADISON AVE. PARK PLACE ADD.	114.99	C 00491 JOHNSON, CLAUDE W APT 316 2395 N SOMERSET WICHITA KS 67204-5748
LOTS 50-52 PIATT AVE. STITES BROS. 4TH. ADD.	114.99	C 00727 MICK, CHRISTOPHER A 315 SE 2ND NEWTON KS 67114-3706
E 9 FT LOT 9 ALL LOTS 10-11 WARE'S SUB.	114.99	C 007530004 TROTTER, DONNELL 2325 N CHAUTAUQUA AVE WICHITA KS 67219-5023
W 1/2 LOTS 114-115-116-117 ROSENTHAL'S 2ND. ADD.	111.64	C 010320001 GLENN, DION M PO BOX 3304 WICHITA KS 67201-3304
LOTS 104-106 STRONG NOW ASH ST. LOGAN ADD.	111.64	C 01140 MAY, CLINTON J JR 2602 N SPRUCE WICHITA KS 67219-4637

LOTS 161-163 CAMPBELL NOW MADISON AVE LOGAN ADD.	111.64	C 011770001 DROUHARD, SHAWNEL P O BOX 93 ARGONIA KS 67004-0093
LOTS 129-131 TYLER NOW GROVE ST. LOGAN ADD.	114.99	C 01260 WASHINGTON, TRACY 4375 N RUSHWOOD CT WICHITA KS 67226-1487
LOTS 163-165 GROVE ST. LOGAN ADD.	114.99	C 012640001 DROUHARD, SHAWNEL P O BOX 93 ARGONIA KS 67004-0093
E 80 FT LOTS 89-91-93 BLOCK 5 KANSAS ADD.	111.64	C 013030003 MICK, CHRISTOPHER A 315 SE 2ND NEWTON KS 67114-3706
LOTS 76-78 BLOCK 6 KANSAS ADD.	51.64	C 01309000A GROSS, BERNICE REV LIV TR P O BOX 30037 MIDWEST CITY OK 73140-3037
LOTS 41-43-45 BLOCK 2 OHIO ADD.	111.64	C 013440004 CLAY, BOBBIE G 4227 N STRATFORD BEL AIRE KS 67226-1405
LOTS 129-131 BLOCK 9 PENNSYLVANIA ADD.	114.99	C 014380002 BATTLE, FLORENCE ESTATE 2629 N GENTRY WICHITA KS 67220-2418
LOTS 133-135 BLOCK 9 PENNSYLVANIA ADD.	114.99	C 014380003 BATTLE, FLORENCE ESTATE 2629 N GENTRY WICHITA KS 67220-2418
LOTS 56-58 KANSAS AVE. PARKVIEW ADD.	114.99	C 01487 TOMLINSON, LATA 2326 GENTRY WICHITA KS 67220-2848

LOTS 57-59 MINNEAPOLIS AVE. PARKVIEW ADD.	111.64	C 015130001 MUKES, ROBERT D & MARY L 1857 N MADISON AVE WICHITA KS 67214-1738
LOTS 61-63 MINNEAPOLIS AVE PARKVIEW ADD	111.64	C 015130002 SEBASTIAN, ALFRED M JR 4809 ARLENE WICHITA KS 67220-3007
LOTS 73-75 MINNEAPOLIS AVE. PARKVIEW ADD.	114.99	C 01515 MAY, CLINTON J JR 2602 N SPRUCE WICHITA KS 67219-4637
LOTS 73-75 MINNEAPOLIS AVE. PARKVIEW ADD.	111.64	C 01515 MAY, CLINTON J JR 2602 N SPRUCE WICHITA KS 67219-4637
LOTS 41-43 MINNESOTA AVE. PARKVIEW ADD.	114.99	C 015210003 MATTHEWS, LORENZO 6303 BROOKFIELD CT WICHITA KS 67220
EVEN LOTS 2 THRU 12 ON MINNESOTA AVE & ODD LOTS 1 THRU 23 ON PIATT AVE EXC N 10 FT FOR ST. PARKVIEW ADD.	114.99	C 01525 EAST 21ST STATION INC 826 S MADISON WICHITA KS 67211-2819
LOT 113 CHAUTAUQUA AVE. CENTRAL AVE. ADD.	114.99	C 023760001 USMANI, MUH MMAD A & SAADIA 835 N CHAUTAUQUA WICHITA KS 67214-3207
LOTS 6-8 MONA NOW POPLAR MOSSMAN'S 2ND. ADD.	114.99	C 02626 JMB PROPERTIES LLC 5009 SPRING AVE KANSAS CITY MO 64133-2664
LOTS 62-64 TYLER NOW GROVE ST. FAIRMOUNT PARK ADD.	114.99	C 02718 HARDYWAY, MARY J 2627 GRAIL ST WICHITA KS 67211-3721

LOTS 49-51 MONA NOW POPLAR ST. FAIRMOUNT PARK ADD.	114.99	C 02733 DAVIDSON, CHARLES L ETUX #210-1 2280 S MINNEAPOLIS WICHITA KS 67211-5318
LOTS 73-75 MONA NOW POPLAR ST. FAIRMOUNT PARK ADD.	114.99	C 027370001 MC DONALD, GLEN D P.O. BOX 8011 WICHITA KS 67208-0011
LOTS 14-16 MONA NOW POPLAR ST. FAIRMOUNT PARK ADD	114.99	C 02748000A JMB PROPERTIES LLC 5009 SPRING AVE KANSAS CITY MO 64133-2664
LOTS 78-80 MONA NOW POPLAR ST. FAIRMOUNT PARK ADD	114.99	C 02760 ROBELLI, LOUIS J 2462 TIMBERCREEK CT WICHITA KS 67204-2568
LOTS 61-63 GREEN ST. FAIRMOUNT PARK ADD.	114.99	C 02784 THOMPSON, WILLIAM 1847 N MINNESOTA ST WICHITA KS 67214-1801
LOTS 50-52 GREEN ST. FAIRMOUNT PARK ADD.	114.99	C 02808 FRYE, CAROLYN F 7605 EASTGATE OKLAHOMA CITY OK 73162-6259
LOTS 54-56 GREEN ST. FAIRMOUNT PARK ADD.	114.99	C 02809 FRYE, CAROLYN F 7605 EASTGATE OKLAHOMA CITY OK 73162-6259
LOTS 112-114 GREEN ST. FAIRMOUNT PARK ADD.	114.99	C 02822 MC CULLOUGH, ALBERETTA M % GEORGIA WHITE ETAL 1724 DUNBAR ST GREENSBORO NC 27401-3908
LOTS 92-94-96 ESTELLE AVE. FAIRMOUNT PARK ADD.	114.99	C 02871 WHITE, GEORGIA ETAL 1724 DUNBAR ST GREENSBORO NC 27401-3908



LOTS 82-84 ACADEMY NOW VOLUTSIA AVE. FAIRMOUNT PARK ADD.	114.99	C 02920 MAY, CLINTON J JR 2602 N SPRUCE WICHITA KS 67219-4637
LOTS 77-79 MT. VERNON NOW ERIE AVE. FAIRMOUNT PARK ADD.	114.99	C 02946 KIRBY, REED T 8987 JADE COAST LN SAN DIEGO CA 92126-3726
LOTS 14-16 MT. OLIVE NOW CHAUTAUQUA AVE. FAIRMOUNT PARK ADD.	114.99	C 03007 GIVENS, DARRYL 9423 E PARKMONT WICHITA KS 67207-6631
LOTS 30-32 MT. OLIVE NOW CHAUTAUQUA AVE. FAIRMOUNT PARK ADD.	114.99	C 03011 COOPER, ELVY JR ETAL 13970 CERISE AVE HAWTHORNE CA 90250-8118
S1/2 LOT 106-ALL LOT 108 CHAUTAUQUA AVE FAIRMOUNT PARK ADD.	114.99	C 03027001A GRAY, JOHN A ETAL 1106 N CHAUTAUQUA WICHITA KS 67214-3255
LOTS 13-15 BLOCK 1 ESTERBROOK PARK ADD.	114.99	C 03101 MC GAUGHY, VERL 5807 W CROCUS DR GLENDALE AZ 85306-4210
LOTS 25-27 BLOCK 1 ESTERBROOK PARK ADD.	114.99	C 03104 JMB PROPERTIES LLC 5009 SPRING AVE KANSAS CITY MO 64133-2664
LOTS 42-44 BLOCK 1 ESTERBROOK PARK ADD.	114.99	C 03116 ADAMS, JALESSA PO BOX 48364 WICHITA KS 67201-8364
LOTS 42-44 BLOCK 2 ESTERBROOK PARK ADD.	114.99	C 03131 HICKS, FRED & LILLIE M PO BOX 320101 KANSAS CITY MO 64132-0101

LOTS 17-19 BLOCK 6 ESTERBROOK PARK ADD.	114.99	C 03190 COOK INVESTMENTS LLC % TY R. & BRENDA S. RAUBER P.O. BOX 20964 WICHITA KS 67208-6964
LOTS 80-82 CHAUTAUQUA AVE. WOODRIDGE PLACE ADD.	114.99	C 032700001 PASTERNAKCI, DANIEL & SAMUEL PO BOX 370072 DENVER CO 80237
BEG INTSEC S LI 15TH ST & W LI POPLAR AVE S 65 FT W 135 FT N 65 FT E TO BEG - BEING VAC N 65 FT LOT 23 POPLAR AVE GETTO'S 2ND ADD SE1/4 SEC 10-27-1E	114.99	C 03468 BHR HOLDING 1825 S ELIZABETH WICHITA KS 67213-3524
LOTS 25-27 ESTELLE AVE. ROSE HILL ADD.	114.99	C 03522 MAY, CLINTON J JR 2602 N SPRUCE WICHITA KS 67219-4637
LOTS 6-8 GOETHE NOW ESTELLE ROSE HILL ADD.	114.99	C 03529 LAXMI-GNESH INC 2838 N TALLGRASS WICHITA KS 67226-1815
LOTS 14-16 GOETHE NOW ESTELLE AVE. ROSE HILL ADD.	114.99	C 03531 JMB PROPERTIES LLC 5009 SPRING AVE KANSAS CITY MO 64133-2664
LOTS 18-20 GOETHE NOW ESTELLE AVE. ROSE HILL ADD.	114.99	C 03532 LAXMI-GNESH INC 2838 N TALLGRASS WICHITA KS 67226-1815
N 14 1/2 FT LOT 46 & S 37 1/2 FT LOT 48 GOETHE NOW ESTELLE AVE. GETTO'S 3RD. ADD.	114.99	C 035620009 BRIM, MELVIN ETUX 1806 E 12TH ST N WICHITA KS 67214-2610
LOTS 26-28 TYLER NOW GROVE AVE. FAIRMOUNT ORCHARDS ADD.	114.99	C 03567 DAVIS, ONEIL 4750 GLENDALE WICHITA KS 67220-1431

LOTS 38-40 ESTELLE AVE. FAIRMOUNT ORCHARDS ADD.	114.99	C 036190002 HOWARD, MINERVIA F 809 C EDWARD DR GLENVIEW IL 60026-7018
LOTS 25-27 2ND. FAIRMOUNT ORCHARDS ADD.	114.99	C 036420002 WARREN, WALTER JR & GARY & LINDA F % BILLY R & MILLICENT DEMPSEY 1725 N ESTELLE WICHITA KS 67214-2229
S 51 FT LOTS 10-11 & W 15 FT S 51 FT LOT 12 BOULEVARD ADD.	114.99	C 07983 GREENBERG, JEFFREY S & C LYNNE #200 555 N WOODLAWN WICHITA KS 67208-3672
LOT 4 EXC N 10 FT FOR ST HOFF'S 3RD. ADD.	114.99	C 08812 BUILDING & DEVELOPMENT INC 1241 S STONEYBROOK CIRCLE WICHITA KS 67207-3909
LOT 5 EXC N 10 FT DEEDED FOR ST HOFF'S 3RD. ADD.	114.99	C 08813 BUILDING & DEVELOPMENT INC 1241 S STONEYBROOK CIRCLE WICHITA KS 67207-3909
LOT 12 BLOCK 1 PARKMORE ADD.	114.99	C 11915 BERRY CONSTRUCTION 260 N ROCK RD WICHITA KS 67206
LOT 3 BLOCK 2 PARKMORE ADD.	114.99	C 11918 WILLIAMS, CALVIN JR 2117 E 9TH ST N WICHITA KS 67214
LOT 25 BLOCK 3 PARKMORE ADD.	114.99	C 11960 MILES, BOBBY D & JOYCE M 2453 N FOUNTAIN WICHITA KS 67220-2841
LOTS 17-19 BELLEVIEW AVE. BLUE GRASS SUB.	114.99	C 122670001 KANSAS REAL ESTATE DEVE 619 S PERSHING AVE WICHITA KS 67218-2334

W 2 FT LOT 28-ALL LOT 29 & E 19 FT LOT 30 BLOCK 4 SHADYBROOK ADD.	114.99	C 13286 JACKSON, THOMAS J 6447 E 32ND ST CT WICHITA KS 67226
E 47 FT LOT 6 & W 25 FT LOT 7 BLOCK 5 SHADYBROOK ADD.	114.99	C 13303 BOYD, DAVID 2516 N GRAHAM WICHITA KS 67214-2149
LOT 19 BLOCK 5 SHADYBROOK ADD.	114.99	C 13316 REBOLD FAMILY LLC HC 69 BOX 5755 KINGSTON OK 73439-8618
LOT 2 BLOCK 12 SHADYBROOK ADD.	114.99	C 13429 NELSON, BLANCHE J % AMERICA E NELSON PO BOX 51354 KALAMAZOO MI 49005-1354
LOT 3 BLOCK 2 EAST HIGHLAND NORTH ADD.	114.99	C 13722 LAXMI-GNESH INC 2838 N TALLGRASS WICHITA KS 67226-1815
LOT 25 FAIRMOUNT PARK 2ND. ADD.	114.99	C 15362 GRACEY, GREGORY L 2718 E 10TH WICHITA KS 67214-3212
LOT 12 BLOCK A LEVITT'S ADD.	114.99	C 19312 SHEPHERD, ROBERT 1025 N PINECREST WICHITA KS 67208
LOT 19 BLOCK 2 WILBER'S ADD.	111.64	C 20561 LAXMI-GNESH INC 2838 N TALLGRASS WICHITA KS 67226-1815
LOT 2 BLOCK U AUDREY MATLOCK HEIGHTS 1ST. ADD.	114.99	C 21047 ADKINS, FRED JR 6541 E VICTORIA TUCSON AZ 85730-3225

LOT 43 MEADOWLARK 4TH. ADD.	114.99	C 23602 PROPERTY ASSET MANAGEMENT INC 4240 E KINKAID WICHITA KS 67218
S 3 FT LOT 4-ALL LOT 5 BLOCK 4 RIDGECREST ADD.	111.64	C 24403 GASTON, PATRICIA 2632 N MADISON WICHITA KS 67219-4624
LOT 8 BLOCK 9 RIDGECREST ADD.	111.64	C 24501 NGUYEN, KHANH KIM 1945 S PINECREST WICHITA KS 67218
LOT 80 EXC E 30 FT FOR ST. HILLSIDE GARDENS ADD.	121.99	C 24668 EMBRAY, RALPH I ETUX 2320 N VOLUTSIA WICHITA KS 67219-5037
LOTS 16-17-18-19-20 BLOCK 1 RIDGECREST 2ND. ADD.	114.99	C 26589 JOHNSON TABERNACLE CHR METH EPIS CHURC 2707 N GROVE WICHITA KS 67219-4642
BEG S COR LOT 2 NELY 104.98 FT TH ALG NE LI SAID LOT 52.93 FT SWLY 90.82 FT TO E LI OF SE DR TH ALG DR 51 FT TO BEG BLOCK 4 JENNINGS ADD.	114.99	C 26877 TRAN, AARON ANH & LAN 952 S EDGEMOOR WICHITA KS 67218
LOT 4 J & G REPLAT IN EASTWOOD VILLAGE ADD.	114.99	C 27560 DONALDSON, PHILLIP T & JOHN O'MALLEY PO BOX 2754 WICHITA KS 67201-2754
LOT 4 BLOCK 10 EASTRIDGE 11TH. ADD.	114.99	C 27769 OLEVIC, INES 3880 RUSKIN ST LAS VEGAS NV 89147-1097
LOT 13 BLOCK 14 EASTRIDGE 11TH. ADD.	114.99	C 27856 HARRIS STANTON E 7708 E LINCOLN WICHITA KS 67207-2735

LOT 52 BLOCK G PLANEVIEW SUB. NO. 1	111.64	C 29122 ROMO, MARIA D ETAL 2625 HOLYOKE CT WICHITA KS 67210
LOT 4 BLOCK A PLANEVIEW SUB. NO. 2	111.64	C 29444 TAYLOR, DAVID K 3128 S EVERETT ST WICHITA KS 67217
LOT 5 BLOCK A PLANEVIEW SUB. NO. 2	111.64	C 29445 ESPARAZA, ANASTASIO 3673 LEAHY CT WICHITA KS 67210
LOT 10 BLOCK F PLANEVIEW SUB. NO. 2	114.99	C 29674 MICK, CHRISTOPHER A 315 SE 2ND NEWTON KS 67114-3706
N 84.54 FT LOT 1 EXC N 10 FT DED FOR ST BLOCK D BROADMOOR ADD.	114.99	C 33156 QUILL & HAMMER ENTERPRISES 9318 SHANNON WOODS WICHITA KS 67226-2157
S1/2 LOT 1 EXC S 36.88 FT THEREOF BLOCK L BROADMOOR ADD.	114.99	C 33254 KARZONE, SAM A P O BOX 783172 WICHITA KS 67278-3172
THAT PART LOT 4 BEG ELY COR SW 115 FT TO SLY COR NW 44.9 FT NE 115 FT TO NELY LI SE 45.02 FT TO BEG BLOCK 6 CHERRY CREEK HILLS	111.64	C 37219 ASKREN, BRAD 1259 S RIDGEHURST WICHITA KS 67230-9527
LOT 1 EXC BEG 77 FT N SW COR N 7.49 FT NELY ALG CUR 385.13 FT SE 105.75 FT SW 228.82 FT W 125 FT TO BEG & EXC COMM SW COR N 77 FT E 125 FT NE 71.26 FT FOR BEG TH SE 14.72 FT NE 14.08 FT SE 2.5 FT NE 24 FT SW 5.25 FT NE 25.13 FT NW 49.25 FT SW 36.71 FT SW 37.08 FT TO BEG BLOCK 2 PARK MEADOW ESTATES ADD.	163.00	C 41152 JOHNSON, SCOTT M 2800 S BROADWAY WICHITA KS 67216-1048

LOT 1 EXC BEG 77 FT N SW COR N 7.49 FT NELY ALG CUR 385.13 FT SE 105.75 FT SW 228.82 FT W 125 FT TO BEG & EXC COMM SW COR N 77 FT E 125 FT NE 71.26 FT FOR BEG TH SE 14.72 FT NE 14.08 FT SE 2.5 FT NE 24 FT SW 5.25 FT NE 25.13 FT NW 49.25 FT SW 36.71 FT SW 37.08 FT TO BEG BLOCK 2 PARK MEADOW ESTATES ADD.	165.54	C 41152 JOHNSON, SCOTT M 2800 S BROADWAY WICHITA KS 67216-1048
LOT 2 & PT LOT 3 BEG NE COR LOT 2 NWLY TO PT 16 FT N OF NW COR LOT 2 S 16 FT E TO BEG BLOCK 1 SCOTT STUCKEY SECOND ADD.	111.64	C 41225 TROTTER, ROBERT P 4623 S KANSAS WICHITA KS 67216-2870
LOT 19 BLOCK 3 BEACON VILLAGE ADD.	114.99	C 48307 DEUTSCHE BANK NATIONAL TRUST CO TRUSTE 701 CORPORATE DR RALEIGH NC 27607
BEG 1259.65 FT W & 1741.11 FT S NE COR NE1/4 S 100 FT E 275 FT N 100 FT W 275 FT TO BEG SEC 31-27-1W	111.64	D 0066900UP DE LUCA, LORETA & CHARLOTTE ETAL 1900 S LARK WICHITA KS 67209-1204
LOT 1 & S 15 FT LOT 3 & 1/2 VAC ALLEY ON W SENECA AVE. MARTINSON'S 3RD. ADD.	114.99	D 00961 JOHNSON, MICHAEL A # 700 18000 STUDEBAKER RD CERRITOS CA 90703-2684
LOTS 25-27 BLOCK O SOUTH UNIVERSITY PLACE ADD.	114.99	D 02890 HAQUE, AZHARUL 1932 S SEDGWICK WICHITA KS 67213-2828
E 1/2 OF LOTS 41-43-45-47 BLOCK O SOUTH UNIVERSITY ADDITION	114.99	D 028920001 DARBYSHIRE, JACQUELYN M 7314 S VICTORY RD BURRTON KS 67020-9080
LOTS 341-343-345-347 RICHMOND'S 2ND. ADD.	114.99	D 03082 CROUCHER, MISTY L 1515 S RICHMOND WICHITA KS 67213

LOTS 170-172 SIMMONS NOW EDWARDS RICHMOND'S ADD.	114.99	D 03140 MC LOUD, DALE E SR 2130 SHELTON WICHITA KS 67203-2454
LOTS 6-8 CHASE ST STEWART'S SUB OF RES A	114.99	D 03577 ST PETER, TOM 3615 MAPLE WICHITA KS 67213-2453
VACATED LOTS 42-44 MILLWOOD AVE. BLOCK E PRINCESS ADD	114.99	D 05597000B LIBERTY ASSET MANAGEMENT LLC 151 S WHITTIER ST WICHITA KS 67207-1063
LOTS 26-28 MERIDIAN AVE. SUPPL. PLAT OF PT OF DIAMOND HILL	114.99	D 05963 GONZALES, VERONICA 1824 E 65TH LOS ANGELES CA 90001-2109
BEG 20 FT S & 450 FT E NW COR SW1/4 SW1/4 E 109.9 FT S 132 FT W 109.9 FT N 132 FT TO BEG. SEC 24-27-1W	114.99	D 061220026 VOTH, HARLEY J 3825 W DOUGLAS WICHITA KS 67213-2408
LOT 28 JO-MAR SUB.	114.99	D 06893 JUDD, BETTY E LOT 5D 17000 W MAPLE GODDARD KS 67052-9276
LOTS 11-13 MADRID AVE GARFIELD PARK ADD.	114.99	D 072920002 GILDER, BRUCE 2006 S TOPEKA WICHITA KS 67211-4831
LOT 9 BLOCK 8 PAWNEE PARK ADD.	114.99	D 07575 DAVE ALLEN MOTORS INC 10817 W KELLOGG WICHITA KS 67209-1223
LOT 13 BLOCK E GENE DOUGLAS MATLOCK ADD.	114.99	D 08240 GRAY, BERT R & EDRA N 1722 DIANE WICHITA KS 67217-2510



LOT 1 BLOCK 17 2ND. ADD. TO SOUTHWEST VILLAGE	114.99	D 13560 LINDAL, MARLYN S 2804 S BONN AVE WICHITA KS 67217-1921
LOT 5 BLOCK 5 DOWNTOWN'S 1ST. ADD.	114.99	D 14879 FINLEY, KENNETH P PO BOX 1620 WICHITA KS 67201-1620
S 125 FT N 375 FT LOT 4 CENTRAL ACRES	114.99	D 18113 HOOVER, MAX L & LLOYD E & DANNY L 629 N HOOVER WICHITA KS 67212-2553
LOTS 55-57-59 BLOCK 18 ORIENTA PARK 2ND. ADD.	114.99	D 19069 OLLER, DUSTIN J 2827 HADDEN AVE WICHITA KS 67217-1447
BEG SW COR LOT 9 N 75 FT E 87.72 FT S 37.9 FT W .33 FT S 37.10 FT TO S LI LOT 9 W 87.14 FT TO BEG BLOCK Q WESTRIDGE VILLAGE ADD.	114.99	D 24031 HALEY, SHIRLEY 1648 N BRUNSWICK WICHITA KS 67212-1513
LOT 9 EXC BEG SW COR N 75 FT E 87.72 FT S 37.9 FT W .33 FT S 37.10 FT TO S LI LOT 9 W 87.14 FT TO BEG BLOCK Q WESTRIDGE VILLAGE ADD.	114.99	D 240310001 HALEY, SHIRLEY 1648 N BRUNSWICK WICHITA KS 67212-1513
LOT 13 EXC S 37.85 FT BLOCK Q WESTRIDGE VILLAGE ADD.	114.99	D 240350001 POLSON, DOUGLAS K ETUX 13319 W 103RD TERRACE LENEXA KS 66215-2101
LOT 15 BLOCK 1 PURCELL'S 11TH. ADD.	114.99	D 25235 ROLLINS, GERALD L ETUX 4533 S CHARLES WICHITA KS 67217-4225
LOT 1 BLOCK A PIKE'S WHISPERING SANDS ADD.	111.64	D 30813 STAATS, RAY E & OPAL E 11529 VALLEY HI DR WICHITA KS 67209-1043

LOTS 11 & 12 BLOCK 6 WESTLINK VILLAGE 14TH. ADD.	114.99	D 31853 WAGLE, MARK STEVEN 11 S HAMPTON RD WICHITA KS 67207-1007
LOT 2 EXC BEG 113.22 FT N SW COR LOT 2 E 216.5 FT N 168 FT W 216.5 FT S 168 FT TO BEG BLOCK A SANTA FE ORIENT INDUST DIST 3RD ADD	114.99	D 32672 HERR SCHMADER LLC STE A 1444 S SAINT CLAIR ST WICHITA KS 67213
LOT 17 BLOCK 4 RIDGE PORT ADD.	114.99	D 50926 HARTWOOD HOMES INC 7715 CENTRAL PARK WICHITA KS 67205-1631
LOT 20 BLOCK B SIMMONS PARK ADD.	114.99	D 51255 CMH HOMES INC % E. ROCHAT FILE 83 PO BOX 9790 MARYVILLE TN 37802-9790
LOT 4 BLOCK C SIMMONS PARK ADD.	114.99	D 51263 KNOX, JUSTIN & C KNOX 406 TIGER RLS SAN ANTONIO TX 78251-4090
LOT 3 EXC W 150 FT N 225 FT THEREOF BLOCK 1 WEBB ROAD ADD.	152.00	C 52931 AUTOZONE INC DEPT 8700 PO BOX 2198 MEMPHIS TN 38101-2198
LOT 10 BLOCK 3 TIMBER LAKES ESTATES 3RD. ADD.	111.64	C 54689 MILES, RUDOLPH N 4409 E 27TH ST WICHITA KS 67220-2556
LOT 3 BLOCK 1 SOUTHRIVER ADD.	114.99	C 55068 CHITWOOD, MICHELLE D LOT 28 4625 S SENECA ST WICHITA KS 67217-4511
N 1/2 TR BEG 40 FT E & 16.5 FT N SW COR NW 1/4 NW 1/4 N 312.48 FT E 268.8 FT S 312.48 FT W TO BEG SEC 29-28-1E	118.00	D 0125500UP CHISHOLM, JESSE V 17200 SW HUNTER RD DOUGLASS KS 67039-8762

LOT 30 BLOCK 2 WHEATLAND PLACE FIFTH ADD.	111.64	D 56402 ROGERS, GARY D JR & BRITNIE 3945 S EISENHOWER CT WICHITA KS 67215-1763
THAT PART LOT 2 BEG SE COR W 134.09 FT N 245 FT E 134.09 FT S 245 FT TO BEG BLOCK 1 ABERDEEN COMMERCIAL ADDITION	114.99	D 48303001A FAST TRACK AUTOMOTIVE OF WICHITA INC P O BOX 9524 WICHITA KS 67277
RESERVE C LILLIE ADD	337.00	D 61793 PHYSICIANS DEVELOPMENT LLC STE 5 7200 W 13TH N WICHITA KS 67212

PROJECT S 77223 21,040.38

SECTION 2. This ordinance shall take effect and be in force from and after its passage by the city council and publication once in the official City newspaper.

ADOPTED at Wichita, Kansas, this **28th** day of **August, 2007**.

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Carl Brewer, Mayor

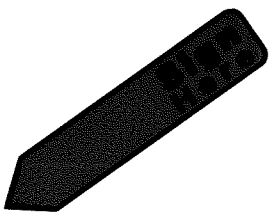
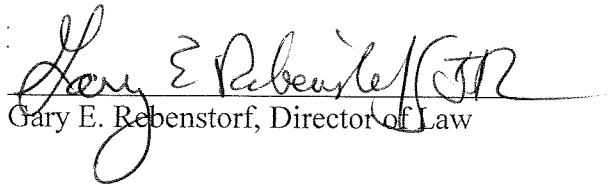
ATTEST:

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Karen Sublett, City Clerk

(SEAL)

Approved as to form

  
  
Gary E. Rebenstorf, Director of Law

Published in The Wichita Eagle on **August 31, 2007**

ORDINANCE NO. \_\_\_\_\_.

AN ORDINANCE MAKING A SPECIAL ASSESSMENT TO PAY FOR THE COST OF ABATING CERTAIN PUBLIC HEALTH NUISANCES (**LOT CLEAN UP**) UNDER THE PROVISION OF SECTION 7.40.050 OF THE CODE OF THE CITY OF WICHITA, KANSAS. BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That the sum set opposite each of the following lots, pieces and parcels of land or ground, herein specified, be and the same is hereby levied to pay the cost of abating certain public nuisances under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas, which public health nuisances are determined to have existed upon the following described property:

DATE: 08/09/07

LEGAL OF PARCEL IN BENEFIT DISTRICT

PETITIONED: NO

PROPERTY OWNER

PAGE 1

ASSESSMENT

LOTS 246-248 EXC E 45 FT MARKET ST. HYDE & FERRELL'S ADD.	853.24	A 015640001 WIMBERLY, THOMAS % THOMAS WIMBERLY 1813 N ST PAUL WICHITA KS 67203-1451
S 14 FT LOT 15 & LOTS 17-19 MARKET ST. HOOVER'S ADD.	1,552.67	A 01778 CAMIEN, NORMAN 1437 OTIS WICHITA KS 67214-1010
LOT 20 & N 16 FT LOT 22 BLOCK 2 AVONDALE ADD.	2,148.67	A 02588 DEBOER, KIPP G 2034 N WACO WICHITA KS 67203-2756
LOTS 67 & 69 WATER ST. KELSCH 2ND. ADD.	611.42	A 06185 THOMAS, TAMMY L 816 S MAIN WICHITA KS 67213-5416
LOTS 21-22 BLOCK 8 JONES PARK ADD.	623.12	A 12609 AYALA, JAMES R 9421 S MERIDIAN HAYSVILLE KS 67060
LOTS 33-34-35 BLOCK 12 JONES PARK ADD.	1,306.62	A 12693 BRATT INVESTMENTS LLC 3306 W DOUGLAS WICHITA KS 67203-5422
LOT 6 EXC N 58 FT BLOCK A LEE B. ALBERTSON ADD.	937.76	A 13488 ARNETT, JACK E JR 10003 S SPRINGDALE RD CALDWELL KS 67022
LOTS 18-20 WABASH AVE. ELLIOTT & HAMMOND'S ADD.	967.20	B 03100 JMB PROPERTIES LLC 5009 SPRING AVE KANSAS CITY MO 64133-2664
N 38 FT E 1/2 LOT 5 PEARCE & VAN TILBURGH'S ADD.	954.60	B 03198 BIGLEY, DAVID 533 N WABASH WICHITA KS 67214

LOTS 37-39 WABASH AVE. BURLEIGH'S 3RD. ADD.	1,058.98	B 03554 WASHINGTON, PAUL 4375 N RUSHWOOD CT WICHITA KS 67226-1487
LOTS 6-8 BLOCK 3 ALLEN & SMITH'S ADD.	616.61	B 05713 MORRIS, ARTHUR D & OPAL M SHORT % CHARLES & DAVID E STROBEL 15 N CYPRESS CT WICHITA KS 67206-2536
LOTS 54-56 FANNIE AVE. LINCOLN ST. ADD.	837.57	B 07869 PHILLIPS PROPERTY MANAGEMENT LLC 10501 RINGER WICHITA KS 67209
BEG SE COR HARVEY'S WALNUT GROVE ADD W 1050.3 FT SW TO PT 200 FT E OF GEM CITY ADD & 950 FT N OF 17TH ST W TO CENTER OF CREEK SE & SW ALG SAME TO NW COR KARR'S ADD E 1131 FT N TO BEG EXC S 125 FT N 275 FT E 175 FT THEREOF & EXC 2.15 ACRES DED TO CITY FOR HWY & EXC PT DED FOR ST SEC 9-27-1E	1,810.43	B 08841 SFX BROADCASTING OF KANSAS INC % ATLANTIS TAX MANAGEMENT 6221 COLLEYVILLE BLVD COLLEYVILLE TX 76034-6247
BEG 562 FT S & 175 FT E NW COR SW 1/4 NE 1/4 S 66 FT E 134 FT N 66 FT W TO BEG SEC 16-27-1E	617.26	B 08887 VOTH, JOHN 7417 GALOWAY WICHITA KS 67212-3117
LOT 14 & S1/2 LOT 16 ASH AVE. DEVORE'S SUB.	995.35	C 00238 VIVID PROPERTIES LLC 621 HIGH ST ORGEON CITY OR 97045
LOT 16 & N 8 1/3 FT LOT 17 ROACH'S SUB.	483.80	C 00346 CORNELIUS, THOMAS R & JUDY M 2105 S GLENDALE ST WICHITA KS 67218-5115
LOTS 34-36 TENTH ST. ADD.	805.10	C 00827 DAVIS, ONEIL & JULIA A 5017 E 21ST ST N WICHITA KS 67208-1604

LOTS 45-47 SUNNY SLOPE ADD.	973.49	C 008940002 TENNYSON, WADE ETUX % BYRON E TENNYSON ETAL 1301 N GROVE WICHITA KS 67214-2501
LOTS 21-23 BLOCK 2 OHIO ADD.	964.72	C 013430005 ALLEN, JOYCE 5706 E 20TH NORTH WICHITA KS 67208-1718
LOTS 66-68 FRANKFORT NOW ERIE CENTRAL AVE. ADD.	957.11	C 02396 LANCASTER, GEORGIA 642 W ERIE ST WICHITA KS 67214-4747
LOTS 30-32 LORRAINE AVE. GIRARD ADD.	751.72	C 03352 LAXMI-GNESH INC 2838 N TALLGRASS WICHITA KS 67226-1815
LOTS 1-3-5 GROVE ST. MARSH'S REPLAT	1,721.02	C 03475 JACQUES, R T & GENEVA J 1428 N GROVE WICHITA KS 67214-2011
LOTS 373-374 FAIRFAX ADD.	615.70	C 07444 NOVASTAR MORTGAGE INC 644 N CLARA ST WICHITA KS 67212-2422
LOTS 14-16 BLOCK 6 WESTMORELAND ADD.	983.01	C 07701 BROWN, EDMOND 6535 ONEIDA ST WICHITA KS 67206-1319
LOTS 31-32 BLOCK 1 COUNTRY CLUB HEIGHTS ADD.	958.01	C 14302 WALDO, RAY J ETUX 1316 N DELLROSE WICHITA KS 67208-2817
LOTS 21-22 BLOCK 2 COUNTRY CLUB HEIGHTS ADD.	1,100.00	C 14312 316 INVESTMENTS 8102 E ZIMMERLY WICHITA KS 67201



LOT 12 BLOCK A LEVITT'S ADD.	672.00	C 19312 SHEPHERD, ROBERT 1025 N PINECREST WICHITA KS 67208
PT RES A BEG 20 FT N SW COR S 20 FT E 147.78 FT N 51.1 FT NWLY 15.42 FT N 63 FT E 10 FT N TO N LI RES A W 56 FT S 54 FT SWLY 120.17 FT TO BEG EASTRIDGE 2ND. ADD.	342.80	C 218830003 NGUYEN, DUNG & MAI 2052 S PARKWOOD WICHITA KS 67218-5228
PT RES A BEG 147.78FT E SW COR E 97 FT N 51.85FT NELLY 93.15FT N 23FT TO N LI RES A W ALG N LI 154.7FT S 23 FT W 10FT S 63FT SELLY 15.42FT S 51.1 FT TO BEG. EASTRIDGE 2ND. ADD.	342.80	C 218830011 STEVEN, MICHAEL E 6416 COTTONWOOD LN WICHITA KS 67207-2002
S 16.75 FT LOT 38 & ALL OF LOT 40 BLOCK 19 J. O. DAVIDSON'S 2ND. ADD.	774.63	D 05142001B KOEHLER, STACY L 1311 WELLINGTON PL WICHITA KS 67203-3440
LOT 11 BLOCK 2 EUREKA GARDENS ADD.	584.80	D 06708 SKELTON, DORIS J 3811 TAFT WICHITA KS 67213-2349
S .8 FT LOT 76 & ALL LOTS 78-80 MADRID AVE. GARFIELD PARK ADD.	334.00	D 072910008 WALTER, KEVIN J ETUX 1736 S RICHMOND WICHITA KS 67213-5631
S .8 FT LOT 72-ALL LOT 74 & LOT 76 EXC S .8 FT MADRID AVE GARFIELD PARK ADD.	334.00	D 07291007A RENTERIA, JESUS & BEATRIZ 1732 S RICHMOND WICHITA KS 67213-5631
LOT 6 BLOCK 20 PAWNEE PARK ADD.	364.40	D 07826 ALAM, MANJUR 2232 S HIRAM WICHITA KS 67213-3140
N 40 FT LOT 6 & S 40 FT LOT 7 BLOCK 3 WESTBOROUGH 2ND. ADD.	1,104.45	D 09841 RODRIGUEZ, FERNANDO & SCHANNON M 1401 NORTHWEST PKWY WICHITA KS 67212-1542

W 136 FT LOT 8 BLOCK B WEST CENTRAL GARDENS ADD.	595.90	D 18388 VENDEE MORTGAGE TRUST 2001-1 %ALLEN L FRITZ 11803 E BELLAIRE WICHITA KS 67207-6317
LOT 15 BLOCK 37 COUNTRY ACRES 2ND. ADD.	600.03	D 23102 PARIS, MARK JAMES & YETTA 8232 BEKEMEYER WICHITA KS 67212-3260
LOT 7 BLOCK C SOUTH SENECA GARDENS 3RD. ADD.	809.40	D 28018 MODE, EDGAR F & VIOLA M 6462 EAGLE DR DERBY KS 67037-9038
W 250 FT S 290 FT SE1/4 SEC 28-27-2E	376.66	C 0047100UP TANNER, LESTER O ETUX 10402 E HARRY WICHITA KS 67207-5018
LOTS 7-8 BLOCK 4 MC CLAREN ADD.	589.25	C 53608 WHITLEY, LOLETTA M APT 112 2250 S OLIVER WICHITA KS 67218
LOTS 38-39-40 BLOCK 4 MC CLAREN ADD.	545.20	C 53619 RAYTHEON AIRCRAFT COMPANY PO BOX 85 WICHITA KS 67201-0085
LOT 9 BLOCK 3 TIMBER LAKES ESTATES 3RD. ADD.	1,078.87	C 54688 MILES, RUDOLPH N 4409 E 27TH ST WICHITA KS 67220-2556

PROJECT S 77333 35,654.37

SECTION 2. This ordinance shall take effect and be in force from and after its publication once in the official City paper.

ADOPTED, at Wichita, Kansas, this **28th day of August, 2007.**

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Carlos Mayans, Mayor

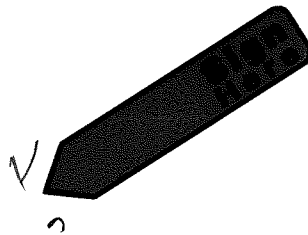
ATTEST:


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Karen Sublett, City Clerk

(SEAL)

Approved as to form:



  
Gary E. Rebenstorf, Director of Law

**Agenda Item No. 13.**

**City of Wichita  
City Council Meeting  
August 21, 2007**

**TO:** Mayor and City Council Members

**SUBJECT:** Appeal of Historic Preservation Board action regarding placement of an LED projecting sign at 300 N. Mead, Suite 107 (District I)  
HPC2006-00586

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA ACTION:** Unfinished Business

---

**Staff Recommendation:** Return the case to the Historic Preservation Office.

**Background:** At the November 13, 2006, Historic Preservation Board (HPB) meeting, the applicant requested approval for placement of a twenty-eight-inch by fifty-three-inch projecting, two-sided LED sign. By a 5-1 vote, the HPB denied the placement of the sign and the applicant appealed the decision to the City Council.

City Council deferred action at its December 12, 2006 meeting, and directed the City Manager to have the Office of Central Inspections and the Planning Department review the Sign Code and work with the sign industry to prepare an amendment regulating electronic message signs for the Council's approval.

**Analysis:** The Historic Preservation Board provided input as to regulations regarding electronic message signs located within designated historic districts, individually listed properties and environs of designated properties. Section 24.04.223 Specific Historic Preservation Requirements were incorporated into the recent amendments to the Sign Code.

Approved by the City Council at its August 7, 2007 meeting, Section 24.04.223(1) (a-e) allows for one electronic signboard per zoning lot within the environs of a state or national register listed property or district. Adoption of this ordinance allows for administrative approval of signs that meet the standards set forth in the recently adopted amendment.

**Legal Considerations:** The City Council has adopted new sign code regulations for electronic message signs that permit administrative approval rather than City Council action.

**Financial Considerations:** None to the city.

**Goal Impact:** Core Area and Neighborhood

**Recommendations/Actions:**

Return the case to the Historic Preservation Office for administrative approval of one electronic message sign as per Section 24.04.223(1)(a-e) of the amended sign code.

**Agenda Item No. 14.**

**City of Wichita  
City Council Meeting  
August 21, 2007**

**TO:** Mayor and City Council Members

**SUBJECT:** Appeal of Historic Preservation Board action regarding placement of three LED signs at 2307 E. Central (District I)  
HPC2006-00370

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA ACTION:** Unfinished Business

**Staff Recommendation:** Return the case to the Historic Preservation Office.

**Background:** At the September 11, 2006, Historic Preservation Board (HPB) meeting, the applicant requested approval for placement of three four- by six-foot LED signs, one each on the east, north and the west sides of the building. By a 5-0 vote, the HPB denied the placement of the signs and the applicant appealed the decision to the City Council.

City Council deferred action at its November 14, 2006 meeting, and directed the City Manager to have the Office of Central Inspections and the Planning Department review the Sign Code and work with the sign industry to prepare an amendment regulating electronic message signs for the Council's approval.

**Analysis:** The Historic Preservation Board provided input as to regulations regarding electronic message signs located within designated historic districts, individually listed properties and environs of designated properties. Section 24.04.223 Specific Historic Preservation Requirements were incorporated into the recent amendments to the Sign Code.

Approved by the City Council at its August 7, 2007 meeting, Section 24.04.223(1) (a-e) allows for one electronic signboard per zoning lot within the environs of a state or national register listed property or district. Adoption of this ordinance allows for administrative approval of signs that meet the standards set forth in the recently adopted amendment.

**Legal Considerations:** The City Council has adopted new sign code regulations for electronic message signs that permit administrative approval rather than City Council action.

**Financial Considerations:** None to the city.

**Goal Impact:** Core Area and Neighborhood

**Recommendations/Actions:**

Return the case to the Historic Preservation Office for administrative approval of one electronic message sign as per Section 24.04.223(1)(a-e) of the amended sign code.







**Agenda Item No. 15.**

**City of Wichita  
City Council Meeting  
August 21, 2007**

**TO:** Mayor and City Council Members

**SUBJECT:** Appeal of Historic Preservation Board action regarding placement of a LED sign at 825 E. 2nd (District I)  
HPC2006-00572

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA ACTION:** Unfinished Business

**Staff Recommendation:** Deny the application.

**Background:** At the November 13, 2006, Historic Preservation Board (HPB) meeting, the applicant requested approval for placement of a sixteen-inch by sixty-nine-inch electronic message pole sign. By a 6-0 vote, the HPB denied the placement of the sign and the applicant appealed the decision to the City Council.

City Council deferred action at its December 12, 2006 meeting and directed the City Manager to have the Office of Central Inspections and the Planning Department review the Sign Code and work with the sign industry to prepare an amendment regulating electronic message signs for the Council's approval.

**Analysis:** The Historic Preservation Board provided input as to regulations regarding electronic message signs located within designated historic districts, individually listed properties and environs of designated properties. Section 24.04.223 Specific Historic Preservation Requirements were incorporated into the recent amendments to the Sign Code.

Approved by the City Council at its August 7, 2007 meeting, Section 24.04.223(3) (a) does not allow electronic message signs on any individually listed buildings or buildings located within listed historic districts, unless the building is an operating theater.

**Legal Considerations:** The City Council has adopted new sign code regulations for electronic message signs.

**Financial Considerations:** None to the city.

**Goal Impact:** Core Area and Neighborhood

**Recommendations/Actions:**

Deny the application for an electronic signboard as provided for in the sign code adopted August 7, 2007.

**Attachments**

Draft Historic Preservation Board Minutes of November 13, 2006  
Notification letter dated November 14, 2006  
Letter dated November 14, 2006 appealing decision of HPB  
Map of site

**WICHITA HISTORIC PRESERVATION BOARD MINUTES  
13 NOVEMBER 2006  
CITY HALL, 455 N. MAIN, 10TH FLOOR-MAPD CONFERENCE ROOM  
3 P.M.**

---

The regular meeting of the Historic Preservation Board was held Monday, November 13, 2006 at 3:00 P.M. in the Metropolitan Area Planning Department Conference Room, City Hall, Tenth Floor, 455 N Main, Wichita Kansas.

**ITEM NO. 1     ROLL CALL**

Members Present:                      Jim Guy  
   Elena Ingle  
   Lucio Arteaga (in at 3:07)  
   Kim Edgington  
   Roberta Johnson

George Platt

Members Absent:                      Mim Hiesterman

Staff Present:                          Kathy Morgan, Senior Planner, Historic Preservation Office  
   Barbara Hammond, Planning Analyst, Historic Preservation Office  
   Amber Schrag, City Archaeologist  
   Doug Moshier, City Attorney  
   Dale Miller, Planning Manager  
   Mike Gable, OCI

**ITEM NO. 2     ADDITIONS OR ADJUSTMENTS TO THE AGENDA**

Request by applicant to defer item(s) 8-4(HPC06-681), 8-6 (HPC06-683), 8-7 (HPC06-684).

**Motion # 1 made by Edgington, 2<sup>nd</sup> by Ingle to approve deferral items 8-4(HPC06-681), 8-6 (HPC06-683), 8-7 (HPC06-684). Motion carried unanimously (5-0).**

**ITEM NO. 3     REVOLVING LOAN FUND UPDATE**

Revolving Loan Fund – Residential	75,000.00
Revolving Loan Fund – Non-Residential	
Deferred Loan Fund – Residential	61,000.00

**ITEM NO. 4     CORRESPONDENCE**

State sites review is meeting Saturday to review six properties to be listed in the state national register.

**ITEM NO. 5     APPROVAL OF MINUTES FROM THE 9 OCTOBER 2006 MEETING**

**Motion #2 made by Guy, 2<sup>nd</sup> by Johnson to approve minutes of October 9, 2006 as presented. Motion carried unanimously (5-0).**

**ITEM NO. 6     OLD BUSINESS**

1.     **MAJOR:**                      (HPC2006-00318) Environs, Johnson Drug Store  
         **APPLICANT:**          Law-Kingdon for Hunter Health Clinic  
         **FOR:**                        2302 E Central and 538 N Spruce

Applicant proposes to build new LEED certified medical clinic building and surface parking lot.

Dan Dokken, Vice President Law-Kingdon, applicant was present for comments.



**Motion #3 made by Guy, 2<sup>nd</sup> by Ingle to find that the proposed project does not encroach damage or destroy the environs of the Johnson Drug Store Building. Motion carried unanimously (6-0).**

**ITEM NO. 7      CONSENT AGENDA**

- A. Roof Repairs** – The hailstorm in April 2006 has significantly increased the number of re-roofing applications. For properties eligible for the State Historic Income Tax Credits, the owners were notified and given the appropriate applications to file for the credits.

HPC2006-525 through 534; 537 thru 545; 547 thru 562; 564 thru 570; 574 thru 585; 587 thru 620; 623 thru 628; 630 thru 637; 640 thru 643; 645 thru 649; 651 thru 655; 657 and 658; 661 thru 680; 698 thru 700.

**B. Signs**

HPC2006-00536 324 N Emporia install metal post and panel sign 2 X 2

HPC2006-00546 1025 N Main, install 10 cast bronze aluminum letters for Park Elementary School

HPC2006-00571 358 N Main, sign face change on existing pole sign

HPC2006-00621 509 E Douglas, 2 X 4 aluminum sign with cutout letters American Family Insurance office

HPC2006-00638 121 N Mead, new 4 X 10 wall sign for Wichita Business Journal

HPC2006-00701 1437 N Rochester, new USD 259 18" X 18" plaques on North High School

**C. Other**

HPC2006-00535 1315 N Fairview, erect 2-car detached carport

HPC2006-00622 104 S Broadway, install additional e-panel antennas on roof

**Motion #4 made by Arteaga, 2<sup>nd</sup> by Johnson to approve the Consent Agenda as presented. Motion carried unanimously (6-0).**

**ITEM NO. 8      CERTIFICATE OF APPROPRIATENESS APPLICATIONS**

1.      **MAJOR:**            (HPC2006-00572) Warehouse and Jobbers Historic District  
         **APPLICANT:**    LED Signs  
         **FOR:**                825 E 2<sup>nd</sup> Street

Applicant proposed to install 16" X 69" LED sign for Jim's Pump House Diner.

Wayne Dearmain and Gary Ogden, LED Sign Company were present for comments.

**Motion #5 made by Johnson, 2<sup>nd</sup> by Arteaga to deny the proposed project signage in that it does damage, destroy and encroach upon the environs of the Old Town District. Motion carried unanimously (6-0).**

**Advisory Motion #6 made by Guy, 2<sup>nd</sup> by Ingle to have all historic district design review guidelines amended, with language to include requirements that there will be no further LED signs installed the historic districts. Motion carried unanimously (6-0).**

2.      **MAJOR:**            (HPC2006-00586) Environs, International Harvester Bldg & Warehouse  
                                 and Jobber NR Historic District  
         **APPLICANT:**    LED Signs  
         **FOR:**                300 N Mead, Suite 107

Applicant proposes to install two 28" X 53" LED wall signs.

**Motion #7 made by Johnson, 2<sup>nd</sup> by Ingle to deny application and find that the proposed signage does encroach damage or destroy the environs of the International Harvester Building and the Warehouse and Jobbers National Register Historic District. In addition, suggest that the design guidelines for the Theater Sub-district of the Old Town District be amended to exclude LED signs. Motion carried unanimously (5-1). Edgington opposed.**

3.     **MAJOR:**           (HPC2006-00644) State Register Nomination  
          **APPLICANT:** Waterman Properties LLC  
          **FOR:**         802 E 3<sup>rd</sup> Street

Submission of Keep Klean Building for listing in Register of Historic Kansas Places.

**Motion #8 made by Johnson, 2<sup>nd</sup> by Guy to support the nomination of the Keep Klean Building to the National Register of Historic Places. Motion carried unanimously (6-0).**



**Wichita-Sedgwick County Metropolitan Area Planning Department**

**HISTORIC PRESERVATION BOARD**

**C of A NUMBER:** HPC2006-00572 Major

**APPLICANT/AGENT:** Gary Ogden  
Address: LED Sign Company  
10919 E. Harry, Suite 107  
City/Zip: Wichita, KS 67207

**REQUEST:** Installation of 16" X 69" LED sign

**LOCATION:** 825 E 2<sup>nd</sup> Street

**HISTORIC PROPERTY:** Contributing Structure in the Warehouse and Jobbers National Register Historic District


**BOARD ACTION:** At the regular scheduled meeting of the Historic Preservation Board held November 13, 2006 at 3:00 p.m. in the Committee Room, 10<sup>th</sup> Floor, City Hall, the following action was taken by a 6-0 vote:

Item #1: denied the installation of the 16" X 69" LED sign as it does not meet the sign guidelines in the Old Town Overlay Zoning District and is not an appropriate medium for the historic district.

**NOTICE OF APPEAL PROCEDURE:**

Any applicant or other interested party wishing to appeal a denial or approval with conditions of any certificate of appropriateness may appeal to the next higher authority. The order of the appeal procedure shall be: (1) the preservation staff; (2) the design review committee; (3) the historic preservation board; and (4) the city council. The applicant has five (5) days (Section 2.12.1023) to appeal.

If you have any questions, you may contact the Historic Preservation Planner at the Wichita-Sedgwick County Area Planning Department, City Hall, 455 N. Main, 10<sup>th</sup> Floor, telephone 268-4421.

  
Kathy L. Morgan, Historic Preservation Planner  
Current Plans Division, MAPD

Date: November 14, 2006

cc: Jimmy Ross

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

[www.wichita.gov](http://www.wichita.gov)



10919 E. Harry Suite 107  
Wichita, KS 67207  
Phone: 316-305-9975  
Fax: 316-612-3554

November 14, 2006

Kathy Morgan  
Senior Planner  
City Hall / 10<sup>th</sup> Floor  
455 N. Main  
Wichita, Ks 67202

Dear Kathy:

This letter is in regards to the Historical Preservation Board's decision to deny our permit application for the following requests:

HPC2006-00572  
HPC2006-00586

We would like to appeal their decision to the Wichita City Council

I appreciate the opportunity to be heard and to demo our sign. As we mentioned in the meeting, our signs can be dimmed and/or programmed to read any way the board sees appropriate.

Please feel free to contact me at the numbers below anytime; and thank you for your help in this matter.

Gary Ogden

LED Sign Co  
Ph (316) 305-9975  
gary@ledsignco.com



\_\_\_\_\_ FIRST PUBLISHED IN THE WICHITA EAGLE ON \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE EXEMPTING PROPERTY FROM AD VALOREM TAXATION FOR ECONOMIC DEVELOPMENT PURPOSES PURSUANT TO ARTICLE 11, SECTION 13, OF THE KANSAS CONSTITUTION; PROVIDING THE TERMS AND CONDITIONS FOR AD VALOREM TAX EXEMPTION; AND DESCRIBING THE PROPERTY OF ECK LEASING/C.E. MACHINE CO., INC., SO EXEMPTED.

WHEREAS, Article 11, Section 13, of the Kansas Constitution provides that the governing body of the City may, by Ordinance, exempt from all ad valorem taxation all or any portion of the appraised value of certain property meeting the requirements of the constitutional provision; and

WHEREAS, the City of Wichita has adopted an Economic Development Incentive Policy by which the City will consider granting tax exemptions upon a clear and factual showing of direct economic benefit including the creation of additional jobs or the upgrading of existing jobs and the stimulation of additional private investment; and

WHEREAS, Eck Leasing and C.E. Machine Co., Inc. request an ad valorem tax exemption on a proposed expansion project of 85% for a five-year term on the construction of a new building and purchase of certain new manufacturing equipment; and

WHEREAS, C.E. Machine Co., Inc. has operated within the City for more than thirty-two years as a machine shop supporting the aircraft industry; and

WHEREAS, C.E. Machine Co., Inc. proposes a \$3,486,867 expansion and lease from Eck Leasing of a new building addition and newly purchased equipment to be located at 1741 S. Hoover Court in southwest Wichita; and

WHEREAS, the City Council of the City of Wichita has reviewed the application and supporting documentation supplied by Eck Leasing and C.E. Machine Co., Inc. has reviewed the impact statements provided by Staff, and the Cost-Benefit Analysis by the Wichita State University and has conducted a public hearing on such application on August 21, 2007; and

WHEREAS, the City Council of the City of Wichita has found and determined:

1. Eck Leasing and C.E. Machine Co., Inc. is an existing business located in Wichita, Kansas and intends to expand its business by construction of a new building and the purchase of certain personal property.

2. The construction of the new building and purchase of personal property for which exemption is given occurred after May 24, 2005. No exemption will be given for construction or purchases, which occurred before that date.

3. Such property purchases are to be used exclusively for manufacturing articles of commerce.

4. By such purchases, Eck Leasing and C.E. Machine Co., Inc. will create new employment for 16 employees within five years after the start of the project.

5. Tax exemption will be given for the construction of a new building and purchase of certain personal property as reflected in Exhibit I attached hereto.

6. The property on which exemption is given will meet the requirements of the Kansas Constitution and the City of Wichita's Economic Development Incentive Policy.

7. Such ad valorem tax exemption is in the public interest providing for economic growth and benefit including the creation of jobs and stimulating additional private investment.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS,

1. The City Council for the City of Wichita, Kansas hereby makes a factual determination that an ad valorem tax exemption of the type requested by Eck Leasing and C.E. Machine Co., Inc. is required to retain jobs in the State of Kansas, and that the property to be exempted is to be used exclusively for manufacturing articles of commerce.

2. Eck Leasing and C.E. Machine Co., Inc. are hereby granted an ad valorem tax exemption of 85% for a five-year term on the construction of a new building and purchase of personal property and of 85% for a second 5 years, solely on the building addition started after May 24, 2005, and located within the Wichita City limits at 1741 S. Hoover Court in southwest Wichita at an estimated cost of \$3,486,867, as further defined in Exhibit I attached hereto. Such exemption is to begin in the calendar year after the calendar year in which the expansion is completed, and may be terminated early (and Eck Leasing and C.E. Machine Co., Inc. may be required to repay amounts previously abated), in the event of any failure by Eck Leasing and C.E. Machine Co., Inc. to perform obligations under the Economic Development Incentive Agreement executed with the City.

3. The Economic Development Incentive Agreement by and among the City of Wichita, Eck Leasing and C.E. Machine Co., Inc. is hereby approved.

4. The City Manager's Office shall be responsible for monitoring the performance of Eck Leasing and C.E. Machine Co., Inc. and shall provide annual reports on such performance.

5. Such exemption is subject to verification that the level of employment at the time of the completion of the project is at least equal to the level of employment as stated in Eck Leasing and C.E. Machine Co., Inc.'s written request for ad valorem tax exemptions as presented to the City

Council and to administrative staff and dated October 04, 2006, and as stated in Eck Leasing and C.E. Machine Co., Inc.'s annually approved EEO/AA Plan.

6. Such exemption may hereafter be withdrawn by the City Council upon a finding that Eck Leasing and C.E. Machine Co., Inc. no longer is entitled to such exemption in accordance with the Economic Development Incentive Agreement, which Eck Leasing and C.E. Machine Co., Inc. has executed with the City.

7. The City Council may, at its discretion, require Eck Leasing and C.E. Machine Co., Inc. to return all funds exempted if there is a failure to meet the terms and conditions of the Economic Development Incentive Agreement, which Eck Leasing and C.E. Machine Co., Inc. has executed with the City.

8. Upon finding that Eck Leasing and C.E. Machine Co., Inc. has failed to meet its obligations under the Economic Development Incentive Agreement, the City Council shall require the repayment of all prior amounts of taxes that have been exempted and shall withhold any future exemption of taxes on Eck Leasing and C.E. Machine Co., Inc.'s expansion project. All repayments shall be redistributed to the local taxing authorities at the proper taxing rates.

8. This Ordinance shall be in full force and effect from and after its passage and publication in the official City paper.

Passed by the governing body of the City of Wichita, Kansas this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to Form:

\_\_\_\_\_  
Gary E. Rebenstorf, City Attorney



C.E. Machine Co., Inc.

**Exhibit I**

New Construction:

33,600 SF building addition

<b>Total Building Expansion</b>	<b>\$1,255,270</b>
---------------------------------	--------------------

New Equipment:

CMM	\$102,000
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Okuma	68,000
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Barfeed	13,000
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Electrical

Wiring Machines in After the move	18,157
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Additional lighting for production and wiring of machine	3,543
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Computer	707
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Shelving

For inventory room	19,966
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Surface Table	5,810
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Welder	414
--------	-----

Lathes	250,000
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Mill (horizontal mill)	<u>1,750,000</u>
------------------------	------------------

	\$2,231,597
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<b>Total New Equipment</b>	<b>\$2,231,597</b>
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<b>Total Expansion Project</b>	<b>\$3,486,867</b>
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# Economic Development Incentive Agreement

**THIS ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT** (the “Agreement”) is made and entered into on this \_\_\_\_ day of August, 2007, by and between the City of Wichita, Kansas, hereinafter referred to as the “City,” and Eck Leasing/C.E.Machine Co., Inc. hereinafter referred to as the “Company.”

**WHEREAS**, the Company currently operates a facility in Wichita, Kansas, as a machine shop supporting the aircraft industry, and, as of December 31, 2006, has completed an expansion by constructing a new building and acquiring and installing certain additional machinery and equipment at that facility; and

**WHEREAS**, both the City and the Company desire for the Company to continue operating its business in Wichita, Kansas; and

**WHEREAS**, the City desires to increase employment opportunities for the citizens of Wichita, Kansas, and to further the other goals advanced by its economic development incentive policy; and

**WHEREAS**, the Company warrants that it is capable of, and desires to, increase the number of employment positions at its Wichita, Kansas facility; and

**WHEREAS**, the City has designed an economic development incentive program to accomplish its goal of increasing employment opportunities in Wichita, Kansas; and

**WHEREAS**, the purpose of this Agreement is to state the terms and conditions under which the City will cooperate in furnishing said economic development incentives.

**NOW, THEREFORE**, in consideration of the mutual conditions, covenants and promises contained herein, the parties hereto agree as follows:

1. **THE COMPANY.** The Company agrees (to the extent not already hitherto performed) that it shall do the following:
  - A. Between May 24, 2005 and December 31, 2006, the Company will have completed the construction of a new building and acquisition and installation of manufacturing equipment at its manufacturing facility, located at 1741 S. Hoover Court, Wichita, Kansas, at a cost of \$3,486,867, to be used exclusively for the purposes of manufacturing articles of commerce;
  - B. Maintain, throughout the period from the date of this Agreement to May 24, 2010, employment of not less than thirty-six (36) employees at such manufacturing facility;

**Comment [Comment1]:** Depending upon the type of agreement, clearly explain the type of services to be provided by the Independent Company, or the services to be funded by City.

- C. On or prior to May 24, 2010, the Company will add an additional sixteen (16) new jobs at such manufacturing facility, and thereafter, maintain employment of not less fifty (50) employees at such manufacturing facility, through at least December 31, 2016;
- D. During the entire term of this Agreement, the Company will continuously maintain the average wage paid to its employees at a level (1) equal to or greater than the average wage paid by businesses in the Wichita Metropolitan Statistical Area with the Company's NAICS classification, or alternatively, (2) greater than the average wage for all jobs in the Wichita Metropolitan Statistical Area excluding wages paid by businesses classified in NAICS Sector 336;
- E. During the entire term of this Agreement, the Company will meet any Equal Employment Opportunity/Affirmative Action goals set forth in its periodic filings with the City, and will annually file its Equal Employment Opportunity/Affirmative Action Plan with the City;
- F. During the entire term of this Agreement, the Company will timely pay all *ad valorem* property taxes levied on its real or personal property within Sedgwick County, Kansas;
- G. During the entire term of this Agreement, the Company will ensure that it does not discriminate or permit discrimination against any person on the basis of race, color, national origin or ancestry, religion, sex, age, disability or marital status in its operations or services, and the Company will comply with all applicable provisions of the Civil Rights Act of 1964, as amended; the Equal Employment Opportunity Act of 1972; Presidential Executive Orders 11246, 11375 and 11141; Part 60 of Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967; the Kansas Act Against Discrimination, K.S.A. 44-1000, *et seq.*; the Code of the City of Wichita Section 2.12.950; and, any laws, amendments or regulations promulgated thereunder, including any Ordinance of the City of Wichita, Kansas, presently existing or hereafter enacted, which pertains to civil rights and equal employment opportunity;
- H. During the entire term of this Agreement, the Company will comply with all applicable governmental laws, rules and regulations; and,
- I. During the entire term of this Agreement, the Company will cooperate with any annual compliance audit procedure(s) the City may adopt to monitor compliance with conditions, including any annual reports required of the Company and any inspection of the Company's premises or interviews with the Company's staff.

**Comment [Comment2]:** The paragraph chosen depends upon the type of agreement being entered into. Contract for services (Wichita wishes to provide the service) is an INDEPENDENT CONTRACTOR. Agreement to fund an organization is a SELF-GOVERNING ENTITY.

2. **EFFECT OF COMPANY'S BREACH; REMEDIES.** The Company acknowledges that in the event of its noncompliance with any of its obligations or agreements under the foregoing Section 1, the City will not have received the social and economic development benefits expected in connection with its entry into this Agreement and its furnishing of the economic development incentives provided for hereunder, and the resulting loss to the City will be difficult to measure. In such event, Company shall be required to pay to the City, as liquidated damages, or as a payment in lieu of tax, an amount equal to the *ad valorem* taxes that would theretofore have been payable but for the tax exemption referred to in Section 3 of this Agreement, and the City shall be entitled to take action to cancel and revoke such exemption for any subsequent period. No delay or omission by the City to enforce any of its rights as provided for herein shall impair such right, nor shall any such delay or omission be construed to be a waiver of such right.
3. **THE CITY.** So long as the Company meets and performs its obligations under this Agreement, it is the City's intention that the machinery and equipment acquired and installed by the Company pursuant to Section 1.A., above, shall be entitled to a 85% exemption from *ad valorem* taxation for a period of five (5) calendar years, commencing January 1, 2007, and provided proper application is made therefor. It is the City's further intention that the 33,600 square foot building expansion shall be entitled to a 85% exemption from *ad valorem* taxation for an additional period of years from January 1, 2012 to December 31, 2017, subject to the approval, in 2011, of the then current governing body. The City agrees that, during the term of this Agreement, and so long as the Company continues to meet and perform all of its obligations under this Agreement, the City will reasonably cooperate with the Company's efforts to perfect the intended exemption before the Kansas Board of Tax Appeals, and to make all necessary annual filings required to maintain such *ad valorem* tax exemption in full force and effect during the term of this Agreement, in accordance with K.S.A. 79-210 *et seq.*
4. **TERM.** This Agreement shall commence on the date first written above, and shall end on December 31, 2016.
5. **INCORPORATION OF APPENDIX.** Appendix A (Revised Non-Discrimination and Equal Employment Opportunity/Affirmative Action Program Requirements Statement for Contracts or Agreements) is attached hereto and made a part hereof as if fully set out herein.
6. **ENTIRE AGREEMENT.** This Agreement and any Appendices attached hereto contain all the terms and conditions agreed upon by both parties. No other understandings, oral or otherwise, regarding the subject matter of this agreement shall be deemed to exist or to bind any of the parties hereto. Any agreement not contained herein shall not be binding on either party, nor of any force or effect. In

the event of a conflict between the terms of this Agreement and the terms contained in an Appendix, Statement of Work or other attachment, the terms of this Agreement will control.

7. **NOTIFICATION.** Notifications required pursuant to this Agreement shall be made in writing and mailed to the addresses shown below. Such notification shall be deemed complete upon mailing.

City: Office of Economic Development  
Attn: Economic Development Administrator  
455 North Main, 12<sup>th</sup> Floor  
Wichita, Kansas 67202

and

Department of Law  
Attn: City Attorney  
455 North Main, 13<sup>th</sup> Floor  
Wichita, Kansas 67202

Company: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Wichita, Kansas 672\_\_

8. **AUTHORITY.** Each person executing this Agreement represents and warrants that they are duly authorized to do so on behalf of the entity that is a party hereto.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement the day and year first above written.

CITY OF WICHITA, KANSAS

ATTEST:

\_\_\_\_\_  
Carl Brewer, Mayor

\_\_\_\_\_  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary Rebenstorf  
Director of Law

\_\_\_\_\_ (COMPANY)

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

## **APPENDIX A**

### **REVISED NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM REQUIREMENTS STATEMENT FOR CONTRACTS OR AGREEMENTS**

During the term of this contract, the contractor or subcontractor, vendor or supplier of the City, by whatever term identified herein, shall comply with the following Non-Discrimination--Equal Employment Opportunity/Affirmative Action Program Requirements:

- A. During the performance of this contract, the contractor, subcontractor, vendor or supplier of the City, or any of its agencies, shall comply with all the provisions of the Civil Rights Act of 1964, as amended: The Equal Employment Opportunity Act of 1972; Presidential Executive Orders 11246, 11375, 11131; Part 60 of Title 41 of the Code of Federal Regulations; the Age Discrimination in Employment Act of 1967; the Americans with Disabilities Act of 1990 and laws, regulations or amendments as may be promulgated thereunder.
- B. Requirements of the State of Kansas:
  - 1. The contractor shall observe the provisions of the Kansas Act against Discrimination (Kansas Statutes Annotated 44-1001, et seq.) and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, and age except where age is a bona fide occupational qualification, national origin or ancestry;
  - 2. In all solicitations or advertisements for employees, the contractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase to be approved by the "Kansas Human Rights Commission";
  - 3. If the contractor fails to comply with the manner in which the contractor reports to the "Kansas Human Rights Commission" in accordance with the provisions of K.S.A. 1976 Supp. 44-1031, as amended, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;
  - 4. If the contractor is found guilty of a violation of the Kansas Act against Discrimination under a decision or order of the "Kansas Human Rights Commission" which has become final, the contractor shall be deemed to have breached the present contract, and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

5. The contractor shall include the provisions of Paragraphs 1 through 4 inclusive, of this Subsection B, in every subcontract or purchase so that such provisions will be binding upon such subcontractor or vendor.
- C. Requirements of the City of Wichita, Kansas, relating to Non-Discrimination -- Equal Employment Opportunity/Affirmative Action Program Requirements:
1. The vendor, supplier, contractor or subcontractor shall practice Non-Discrimination -- Equal Employment Opportunity in all employment relations, including but not limited to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The vendor, supplier, contractor or subcontractor shall submit an Equal Employment Opportunity or Affirmative Action Program, when required, to the Department of Finance of the City of Wichita, Kansas, in accordance with the guidelines established for review and evaluation;
  2. The vendor, supplier, contractor or subcontractor will, in all solicitations or advertisements for employees placed by or on behalf of the vendor, supplier, contractor or subcontractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, "disability, and age except where age is a bona fide occupational qualification", national origin or ancestry. In all solicitations or advertisements for employees the vendor, supplier, contractor or subcontractor shall include the phrase, "Equal Opportunity Employer", or a similar phrase;
  3. The vendor, supplier, contractor or subcontractor will furnish all information and reports required by the Department of Finance of said City for the purpose of investigation to ascertain compliance with Non-Discrimination -- Equal Employment Opportunity Requirements. If the vendor, supplier, contractor, or subcontractor fails to comply with the manner in which he/she or it reports to the City in accordance with the provisions hereof, the vendor, supplier, contractor or subcontractor shall be deemed to have breached the present contract, purchase order or agreement and it may be canceled, terminated or suspended in whole or in part by the City or its agency; and further Civil Rights complaints, or investigations may be referred to the State;
  4. The vendor, supplier, contractor or subcontractor shall include the provisions of Subsections 1 through 3 inclusive, of this present section in every subcontract, subpurchase order or subagreement so that such provisions will be binding upon each subcontractor, subvendor or subsupplier.
  5. If the contractor fails to comply with the manner in which the contractor reports to the Department of Finance as stated above, the contractor shall be deemed to have breached this contract and it may be canceled, terminated or suspended in whole or in part by the contracting agency;

D. Exempted from these requirements are:

1. Those contractors, subcontractors, vendors or suppliers who have less than four (4) employees, whose contracts, purchase orders or agreements cumulatively total less than five thousand dollars (\$5,000) during the fiscal year of said City are exempt from any further Equal Employment Opportunity or Affirmative Action Program submittal.
2. Those vendors, suppliers, contractors or subcontractors who have already complied with the provisions set forth in this section by reason of holding a contract with the Federal government or contract involving Federal funds; provided that such contractor, subcontractor, vendor or supplier provides written notification of a compliance review and determination of an acceptable compliance posture within a preceding forty-five (45) day period from the Federal agency involved.



**City of Wichita  
City Council Meeting  
August 21, 2007**

**TO:** Mayor and City Council

**SUBJECT:** Public Hearing and Tax Exemption Request  
(Eck Leasing/C. E. Machine Co., Inc.)(District IV)

**INITIATED BY:** City Manager's Office

**AGENDA:** New Business

---

**RECOMMENDATION:** Close the public hearing and approve first reading of the Ordinance and tax exemption request.

**BACKGROUND:** C.E. Machine Co., Inc., (C.E. Machine) located at 1741 S. Hoover Court in southwest Wichita, locally formed in 1975. C.E. Machine is a manufacturer of medium size precision machine parts and assemblies for the aerospace industry. C.E. Machine has experienced rapid growth in sales since its inception and as a result has expanded its manufacturing capacity to include additional manufacturing space and acquisition of new manufacturing equipment in the amount of \$3,486,867. C.E. Machine is now requesting approval of an Economic Development Tax Exemption on the construction of a building addition and newly acquired equipment in conjunction with the expansion project.

**ANALYSIS:** C.E. Machine Co., Inc., manufactures medium size precision machine parts and assemblies for the aerospace industry. The close-tolerance component aircraft parts machined by C.E. Machine help support the U.S. Government Department of Defense and major aircraft manufacturers worldwide. C.E. Machine utilizes the newest technology available for machines and tooling. Currently, C.E. Machine supports production with an array of computer controlled manufacturing equipment. The list of equipment includes 3-axis and 4-axis CNC mills, CNC lathes, and Automated Coordinate Measuring Machine (CMM). C.E. Machine exports 96% of its business out of the State of Kansas via Boeing, Raytheon, Bombardier and Cessna.

The expansion project will result in new construction and new manufacturing equipment owned by Eck Leasing, LLC and will be leased to C.E. Machine Co., Inc. Both are owned 100% by Brian Eck the president of both companies.

C.E. Machines currently employs 34 employees and plans to add at least 16 new jobs over the next five years. The expansion project includes construction of a 33,600 s.f. building addition with a cost of \$1,255,270, and purchase of additional machinery equipment at \$2,231,597.

C.E. Machine's expansion project is itemized in Exhibit I attached hereto. Under the Economic Development Incentives Policy, C.E. Machine is eligible for the following:

## TAX EXEMPTION ELIGIBILITY

<u>ELIGIBLE %</u>	<u>INCENTIVE</u>	<u>EXPLANATION</u>
50.00%	New Job Creation:	C.E. Machine will create at least 16 new jobs.
<u>35.00%</u>	Capital Improvements:	C.E. Machine will invest at least \$3,475,970.
<b>85.00%</b>	<b><i>Sub Total Business - Incentive Eligibility (Maximum allowed is 100%)</i></b>	
00.00%	<b>Location Premium:</b>	C.E. Machine is not located in the central redevelopment area.
85.00%	<b>TOTAL EXEMPTION ALLOWED UNDER ECONOMIC DEVELOPMENT INCENTIVE POLICY</b>	

Under the City's Business Incentives Policy, CE Machine is eligible for a 85% tax exemption for a five-year term on the identified real and personal property, plus an 85% tax exemption for a second five-year term on real property only, subject to City Council approval. A notice of public hearing has been published. C.E. Machine has agreed to comply with the conditions set forth in the Economic Development Incentive Policy.

**Financial Considerations:** The estimated first year taxes on the proposed \$3,475,970 expansion would be \$91,915 on real and personal property, based on the 2006 mill levy. Using the allowable tax exemption of 85 percent, the City would be exempting (for the first year) \$78,128 of new taxes from the real and personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$21,509; County/State - \$22,089; and USD 259 - \$34,530.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	2.71 to one
Sedgwick County	1.91 to one
USD 259	1.18 to one
State of Kansas	8.27 to one

**Goal Impact:** Economic Vitality and Affordable Living. Granting an ad valorem property tax exemption will encourage the business to create new job opportunities and stimulate economic growth for the City of Wichita and Sedgwick County.

**Legal Considerations:** The City Attorney's Office has approved the Ordinance as to form.

**Recommendations/Actions:** It is recommended that City Council close the public hearing, and approve first reading of the Ordinance, granting a 85% tax exemption on the identified real and personal property improvements for a five year term, plus a 85% tax exemption for a second five-year term on real property only, subject to City Council approval.

**Attachments:** Ordinance and Economic Development Incentive Agreement.

## Exhibit I

### New Construction:

33,600 SF building addition

<b>Total Building Expansion</b>	<b>\$1,255,270</b>
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### New Equipment:

CMM	\$102,000
Okuma	68,000
Barfeed	13,000
Electrical	
Wiring Machines in After the move	18,157
Additional lighting for production and wiring of machine	3,543
Computer	707
Shelving	
For inventory room	19,966
Surface Table	5,810
Welder	414
Lathes	250,000
Mill (horizontal mill)	<u>1,750,000</u>
	\$2,231,597

<b>Total New Equipment</b>	<b>\$2,231,597</b>
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<b>Total Expansion Project</b>	<b>\$3,486,867</b>
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City of Wichita  
City Council Meeting  
August 21, 2007

**TO:** Mayor and City Council

**SUBJECT:** Staffing for Adequate Fire and Emergency Response (SAFER) Grant  
(All Districts)

**INITIATED BY:** Fire Department

**AGENDA:** New Business

**Recommendation:** Approve the grant application and the necessary budget transfers.

**Background:** Created by Congress in 2003, the SAFER grant is designed to provide funding to communities with career, volunteer and combination fire departments to “meet industry minimum standards prescribed by National Fire Protection Association (NFPA) Standards 1710 (Section 5.2.4.2 – Initial Full Alarm Assignment Capability) and 1720 and to attain 24-hour staffing that will provide adequate protection from fire and fire-related hazards. Congress appropriated a total of \$115 million to the Department of Homeland Security (DHS) to carry out the activities of the SAFER grants. There are two activities in which applicants may request funding under the SAFER grant. Career fire departments may only apply for funding in the “Hiring of Firefighters Activity.” These newly hired positions must be in addition to existing firefighter positions.

**Analysis:** The Fire Department has prepared a \$4,844,728 grant application to hire 14 new firefighters. The SAFER grant will pay up to \$1,475,950 and the City match will be \$3,368,778 over the five-year life of the grant. The SAFER grant requires the City match an increasing proportion of firefighter salaries over a four-year period and, in the fifth year of the grant, the City must absorb the entire cost of any positions funded as a result of the grant. Based on a total funding cap of \$105,425 per position over five years, the maximum annual Federal share of funds that the City can receive under SAFER for salary and benefits for newly hired firefighters will not exceed the lesser of the following:

Year One: 90% of the actual costs or \$37,950.  
Year Two: 80% of the actual costs or \$33,730.  
Year Three: 50% of the actual costs or \$21,080.  
Year Four: 30% of the actual costs or \$12,665.  
Year Five: No Federal share, all costs funded by the City.

If the SAFER grant is approved, the City will receive the maximum grant amount per firefighter. Additional costs the City would incur for each of the 14 new firefighters would be the cost of their physicals, uniforms, recruit manuals, and bunker gear.

**Financial Considerations:** The base salary and benefit cost to hire 14 new firefighters over a five year period is \$4,844,728. If approved, the \$4,844,728 grant application would require a local match of \$3,368,778, with \$1,475,950 funded through the SAFER Grant Program over the five-year life of the grant. In the 2008 Proposed Budget, match funding for 14 firefighters has been budgeted contingent upon the award of the SAFER grant.

(Page Two)

**Goal Impact:** This grant addresses the Safe and Secure Community goal by reducing emergency response time, improving community safety, and increasing citizen's perception of safety.

**Legal Considerations:** None.

**Recommendations/Actions:** It is recommended that the City Council approve the grant application, authorize the necessary signatures, and approve any necessary budget transfers.





# Paving



Every reasonable effort has been made to assure the accuracy of the maps and associated data provided herein. This information is provided with the understanding that the data are susceptible to a degree of error, and conclusions drawn from such information are the responsibility of the reader. The City of Wichita makes no warranty, representation or guaranty as to the content, accuracy, timeliness or completeness of any of the data provided herein. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita. The City of Wichita shall assume no liability for any decisions made or actions taken or not taken by the reader in reliance upon any information or data furnished hereunder. The user should consult with the appropriate departmental staff member, e.g. Planning, Parks & Recreation, etc. to confirm the accuracy of information appearing in the visual presentations accessible through these web pages.





CAPITAL IMPROVEMENT				
PROJECT AUTHORIZATION				
CITY OF WICHITA				
<div style="display: flex; justify-content: space-between;"> <div> <p>USE:</p> <p>To Initiate Project <span style="border: 1px solid black; padding: 2px 10px;">X</span></p> <p>To Revise Project <span style="border: 1px solid black; padding: 2px 10px;"></span></p> </div> <div> <ol style="list-style-type: none"> <li>1. Prepare in triplicate</li> <li>2. Send original &amp; 2 copies to budget.</li> <li>3. City Manager to sign all copies.</li> <li>4. File original w/ initiating resolution in City Clerk.</li> <li>5. Return 2nd copy to initiating department.</li> <li>6. Send 3rd copy to Controller.</li> </ol> </div> </div>				
1. Initiating Department Public Works	2. Initiating Division Eng	3. Date 8/1/2007	4. Project Description & Location Pave Baehr, Newell - Central	
5. CIP Project Number NI-200424	6. Accounting Number	7. CIP Project Date (Year) 2007	8. Approved by WCC Date	
9. Estimated Start Date	10. Estimated Completion Date		11. Project Revised	
As Required	As Required			
12. Project Cost Estimate				
ITEM	GO	SA	OTHER *	TOTAL
Right of Way				
Paving, grading & const.	\$40,000	\$151,200		\$191,200
Bridge & Culverts				
Drainage				
Sanitary Sewer				
Sidewalk				
Water				
Traffic Signals				
Totals	\$40,000	\$151,200		\$191,200
Total CIP Amount Budgeted				
Total Prelim. Estimate				472-84575
13. Recommendation: Approve the project and adopt the resolution				
<div style="display: flex; justify-content: space-between;"> <div> <p>Division Head</p> <p><i>Sam Anson</i></p> </div> <div> <p>Department Head</p> <p><i>Chad M. Cani</i></p> </div> </div>		<div style="display: flex; justify-content: space-between;"> <div> <p>Budget Officer</p> <p><i>Patricia A. Hill</i></p> </div> <div> <p>City Manager</p> </div> </div>		
		<div style="display: flex; justify-content: space-between;"> <div> <p>Date</p> <p>8/2/07</p> </div> <div> <p>Date</p> </div> </div>		



Estimated assessments for paving Baehr from Central to Newell.						07/05/07	
Key No.	Property Owner	Property Address	Legal Description	Area (sq. ft.)	Estimated Assessment*	Annual Payment**	Resident Owners
<b>ORCHARD PARK ADD.</b>							
D 09393	KEENEY, NICOLE	602 N BAEHR	LOTS 13-14, BLOCK 1	12752	\$10,843	\$1,045	1
D 09394	BARGER, FOREST L & DOROTHY 642 N BEBE WICHITA KS 67212	620 N BAEHR	LOT 15, BLOCK 1	6763.51	\$5,751	\$554	2
D 09395	BARGER, FOREST L & DOROTHY 642 N BEBE WICHITA KS 67212	626 N BAEHR	LOT 16, BLOCK 1	6651.96	\$5,656	\$545	repeat
D 09396	HOWARD, LEWIS F & SUZANNE M 1440 REECE RD GODDARD KS 67052	628 N BAEHR	LOT 17, BLOCK 1	6592.02	\$5,605	\$540	nr
D 09397	DEPLER, HARVEY L & LINDA M 442 N ELDER WICHITA KS 67212	630 N BAEHR	LOT 18, BLOCK 1	6754.86	\$5,744	\$553	2
D 09398	VERACT INC ATTN: MILLENIA HOMES LLC 336 1/2 S GLENDORA AVE WEST COVINA CA 91790	636 N BAEHR	LOT 19 EXC S 40 FT-ALL LOT 20, BLOCK 1	8117.38	\$6,902	\$665	nr
D 09399	AVERY, KAREN 2010 S PERSHING WICHITA KS 67218	634 N BAEHR	S 40 FT LOT 19, BLOCK 1	5321.15	\$4,525	\$436	1
D 09400	HETTENBACH, ROBERT A TRUST 101 S FLORENCE WICHITA KS 67209	638 N BAEHR	LOT 21, BLOCK 1	6611.49	\$5,622	\$542	1
D 09401	WARREN, DANIEL L & SHIRLEY A 607 N DORIS WICHITA KS 67212	640 N BAEHR	LOT 22, BLOCK 1	6769.35	\$5,756	\$555	2
D 09402	WARREN, DANIEL L & SHIRLEY A 607 N DORIS WICHITA KS 67212		E 1/2 LOT 23 EXC W 44 1/2 FT S 25 FT E 1/2 LOT 23 , BLOCK 1	2342.4	\$1,992	\$192	repeat
D 09403	WARREN, DANIEL L & SHIRLEY A 607 N DORIS WICHITA KS 67212		S 25 FT W 112 FT LOT 23, BLOCK 1	2854.32	\$2,427	\$234	repeat
D 09404	WARREN, DANIEL L & SHIRLEY A 607 N DORIS WICHITA KS 67212		W1/2 LOT 23 EXC S 25 FT, BLOCK 1	1691.7	\$1,438	\$139	repeat
D 09405	CITY OF WICHITA 9340 E CENTRAL STE A WICHITA KS 67206		TH PT LOT 24 BEG NW COR S 15 FT NE 16.21 FT M-L TO PT 5 FT S OF N LIE TO E L I N 5 FT W TO BEG, BLOCK 1	776.558	\$660	\$64	1
D 09408	HENTZEN, JOE E 1200 N DENENE WICHITA KS 67212	647 N BAEHR	LOT 3, BLOCK 2	6823.01	\$5,802	\$559	1
D 09409	HENTZEN, JOE E 1200 N DENENE WICHITA KS 67212		LOT 4, BLOCK 2	6714.1	\$5,709	\$550	repeat
D 09410	HACKER, DAVID L	637 N BAEHR	LOT 5, BLOCK 2	6666.37	\$5,668	\$546	1
D 09411	BEATTY, ROBERT D II & KASSIDI	631 N BAEHR	LOT 6, BLOCK 2	6687.96	\$5,687	\$548	2
D 09412	BARGER, FOREST WAYNE 12339 SW160TH ST ROSEHILL KS 67133	625 N BAEHR	LOTS 7-8-9, BLOCK 2	20024.1	\$17,026	\$1,640	nr
D 09413	R D X RENTAL PROPERTIES LLC 1710 WOODROW CT WICHITA KS 67203	607 N BAEHR	LOTS 10-11, BLOCK 2	13371.8	\$11,370	\$1,095	1





**City of Wichita  
City Council Meeting  
August 21, 2007**

**TO:** Mayor and City Council Members

**SUBJECT:** Baehr Street Paving, between Newell and Central (District IV)

**INITIATED BY:** Department of Public Works

**AGENDA:** New Business

**Recommendations:** Approve the Project.

**Background:** On July 3, 2007, the City Council approved a Petition to pave Baehr between St. Louis and Newell. Baehr Street between Newell and Central is also unpaved. The road is difficult to maintain and drains poorly. On July 11, 2007, District IV Advisory Board sponsored a neighborhood hearing on the project. The Board voted 7-2 to recommend approval of ordering in the project.

**Analysis:** The completed project will be a two-lane asphalt roadway with curb and gutter. A new storm water sewer system will be constructed.

**Financial Considerations:** The estimated project cost is \$191,200 with \$151,200 assessed to the improvement district and \$40,000 paid by the City. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.85 per square foot of ownership. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation bonds.

**Goal Impact:** This project addresses the Efficient Infrastructure goal by providing paved access in an existing neighborhood.

**Legal Considerations:** State Statutes authorize the City Council to order in the paving.

**Recommendation/Actions:** It is recommended that the City Council approve the Project, adopt the Resolution and authorize the necessary signatures.

**Attachments:** Map, CIP Sheet, and Resolution

First Published in the Wichita Eagle on

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON **BAEHR FROM THE SOUTH LINE OF CENTRAL TO THE SOUTH LINE OF NEWELL 472-84575** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON **BAEHR FROM THE SOUTH LINE OF CENTRAL TO THE SOUTH LINE OF NEWELL 472-84575** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing pavement on **Baehr from the south line of Central to the south line of Newell 472-84575.**

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to **One Hundred Ninety-One Thousand Two Hundred Dollars (\$191,200)** exclusive of the cost of interest on borrowed money, with **76.9** percent payable by the improvement district and **23.1** percent payable by the City-at-large. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **July 1, 2007** exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

**ORCHARD PARK ADDITION**

Lots 13 through 24 Inclusive, Block 1

Lots 3 through 13 Inclusive, Block 2

**D.J. FISHER ADDITION**

Lot 1

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **square foot** basis.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
CARL BREWER, MAYOR

ATTEST:

\_\_\_\_\_  
KAREN SUBLETT, CITY CLERK

(SEAL)

**City of Wichita  
City Council Meeting  
August 21, 2007**

**TO:** Mayor and City Council

**SUBJECT:** Amendments to Title 18 - Adoption of 2006 International Existing Building Code (Chapter 18.45) to Replace the City of Wichita Existing Buildings Rehabilitation and Change of Use Code (Chapter 18.44)

**INITIATED BY:** Office of Central Inspection

**AGENDA:** New Business

**Recommendations:** Approve first reading of the ordinance adopting the 2006 Edition of the International Existing Building Code (IEBC), and deleting the *City of Wichita Existing Buildings Rehabilitation and Change of Use Code*.

**Background:** In May 2001, the City of Wichita adopted the *City of Wichita Existing Buildings Rehabilitation and Change of Use Code*. Until that time, Wichita had no building code specific to the unique requirements and/or challenges related to remodeling of older, existing buildings, especially when those buildings were being adapted to new uses. In 2001, none of the national/international model building codes clearly outlined minimum standards or expectations for either remodeling or adaptive re-use of existing buildings. At that time, model building codes left much to the discretion, judgment and/or interpretation of code officials and building construction plan examiners, making budget planning and consistency of interpretation a problem for developers and builders. Because of this, unpredictable, disproportionate or unrealistic requirements could sometimes become an impediment to the beneficial re-use of existing buildings.

Development and adoption of the 2001 *City of Wichita Existing Buildings Rehabilitation and Change of Use Code* has: (1) significantly reduced interpretation of new construction codes for rehabilitation projects, making design and budget planning easier for project planners, while saving both time and money; (2) allowed existing buildings to be more easily adapted to new uses through specific code alternatives, more flexibility on minimum design criteria, and delineation of specific code exceptions for remodeled buildings, without compromising life safety; and (3) established more realistic and readily achievable requirements that are flexible, predictable and more proportionate to project scale.

Recently, the International Code Council (ICC) has developed a model code specific to remodeling and adaptive re-use of existing buildings. It is called the *International Existing Building Code (IEBC)*, and is currently published as the 2006 Edition. It is being adopted by jurisdictions across the country as the standard for rehabilitation of existing buildings.

**Analysis:** The IEBC was reviewed by staff in conjunction with representatives from the architectural and building construction industry, and with input from local building and building owner associations. The IEBC provisions were compared not only to the *City of Wichita Existing Buildings Rehabilitation and Change of Use Code*, but also to current editions of the International Building Code, International Residential Codes and city-adopted electrical, mechanical and plumbing codes. Proposed amendments to the IEBC ensure that existing Wichita buildings can be safely, yet more easily remodeled and/or adapted to new uses, that rehabilitation standards are highly flexible, and that rehabilitation standards provide a wider variety of safe and affordable design alternatives.

The proposed IEBC and amendments have been presented to the Board of Code Standards and Appeals (BCSA). The BCSA has recommended that the IEBC, with proposed amendments, be adopted.

A summary of proposed IEBC amendments is included as Attachment 1.

**Financial Considerations:** There are no costs to the City associated with adoption of the ordinance. Adoption of the ordinances will not increase building permit fees.

**Goal Impact:** On January 24, 2006, the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. The proposed ordinance supports the “Provide a Safe and Secure Community” goal by ensuring the most up-to-date and tested/certified construction safety standards, installation methods and products for expanded, remodeled and/or repaired buildings in Wichita.

**Legal Considerations:** The Law Department has reviewed and approved the adopting ordinance as to form.

**Recommendation/Actions:** It is recommended that the City Council approve first reading of the ordinance adopting the 2006 Edition of the International Existing Building Code (creating Chapter 18.45 of the Code of the City of Wichita), and deleting the *City of Wichita Existing Buildings Rehabilitation and Change of Use Code* (Chapter 18.44 of the Code of the City of Wichita).

**Attachments:** (1) Attachment 1 - 2006 International Existing Building Code Amendment Explanation;  
(2) Delineated ordinance.

## **Attachment 1**

### **2006 INTERNATIONAL EXISTING BUILDING CODE AMENDMENT EXPLANATION**

#### **SECTION 01: Adoptive Section for the IEBC 2006**

Formally adopts the International Existing Building Code, 2006 Edition.

#### **SECTION 02: IEBC 103.1 Creation of enforcement agency**

This section is proposed for deletion. The Office of Central Inspection already exists and does not need to be created in this document.

#### **SECTION 03: IEBC 105.1.1 Annual permit**

This section is proposed for deletion. Central Inspection does not have a program for an annual permit, so this reflects current practice.

#### **SECTION 04: IEBC 105.1.2 Annual permit records**

See comments under SECTION 04.

#### **SECTION 05: IEBC 105.3 Application for permit**

This section has been modified to indicate that the applicant is required to submit a copy of the Plan Information Sheet with commercial project submittals. Also, #6 requires a statement indicating the percentage of the building qualifying as WORK AREA.

#### **SECTION 06: IEBC 105.3.2 Time limitation of application**

This section has been modified to reflect the current amendment found in the International Building and Residential Codes.

#### **SECTION 07: IEBC 105.5 Expiration**

This section has been modified to reflect the current amendment found in the International Building and Residential Codes.

#### **SECTION 08: IEBC 107.3 Temporary power**

Amend the section to reflect that the City has adopted the National Electrical Code, not the International Electrical Code.

## **SECTION 9: IEBC 109.3.9 Final inspection**

This section has been modified to reflect the current amendment found in the International Building Code, except that “or property owner” has been added. Generally, the letter of credit comes from the owner, not the contractor.

## **SECTION 10: IEBC 110.2 Certificate issued**

This section has been modified to reflect the current amendment found in the International Building and Residential Codes.

## **SECTION 11: IEBC 112.1 General**

Clarifies that the Board of Code Standards and Appeals is the governing board to here and decide appeals of orders, decisions or determinations by the code official.

## **SECTION 12: IEBC 401.2 Work area**

Neither the currently adopted *Wichita Existing Buildings Rehabilitation and Change of Use Code* nor the 2006 IEBC define what constitutes “reconfiguration” in a work area. Since the percentage of renovations within a work area trigger so many of the provisions found in Chapters 7 & 8 (alterations-level 2 & 3), it seemed reasonable to define the term, if possible. The consultant that drafted the current Code described “reconfiguration” as a space undergoing a demolition and rebuild that might affect exiting patterns. Since exiting could be affected, the alteration becomes more critical than minor modifications. The exception is an attempt to address work areas that involve sporadic redevelopment within a given space. The reference to “building elements” would include fixtures, equipment or features defining an exit arrangement.

## **SECTION 13: IEBC 501.4 Flood hazard areas**

This amendment refers flood hazard issues to Chapter 27.04 of the Code of the City of Wichita.

## **SECTION 14: IEBC 506.2.5 Flood hazard areas**

See SECTION 13 above.

## **SECTION 15: IEBC 602.3 Materials and methods**

This amendment corrects the references to the various codes currently adopted as the standard for construction materials and methods.

In addition, an exception has been included to address minimum fire separation necessary for buildings with multiple electrical services. This provision is also included as an amendment to the 2006 International Building Code.



## **SECTION 16: IEBC 605.1 General**

Clarifies that Chapter 11, as amended, of the 2006 International Building Code governs on accessibility issues. The amended Chapter 11 adopts the American's with Disabilities Act and the Fair Housing Act as the accessibility standard for Wichita.

## **SECTION 17: IEBC 607 Energy Conservation**

This section is proposed for deletion

## **SECTION 18: IEBC 605.1.1 Entrances**

References the specific section in Title 18 that addresses signage and entrance requirements for the disabled.

## **SECTION 19: IEBC 605.1.2 Elevators**

Clarifies that Chapter 11, as amended, of the 2006 International Building Code governs on accessibility issues. The amended Chapter 11 adopts the American's with Disabilities Act and the Fair Housing Act as the accessibility standard for Wichita.

## **SECTION 20: IEBC 605.1.3 Platform lifts**

See SECTION 19 above.

## **SECTION 21: IEBC 605.1.8 Dwelling or sleeping units**

See SECTION 19 above.

## **SECTION 22: IEBC 705.3.1.2.1 Fire escape access and details**

Construction standards for fire escapes were expanded to include provisions currently found in the *Wichita Existing Buildings Rehabilitation and Change of Use Code* in addition to the IEBC requirements. Changes included fire escape balcony requirements, roof access and a reference to distances to electrical service conductors.

## **SECTION 23: IEBC 705.4.4 Panic hardware**

The proposed change lowers the threshold where panic hardware is first required in assembly occupancies from over 100 persons to over 50 persons. This change mirrors Section 1008.1.9 in the 2006 International Building Code.

## **SECTION 24: IEBC 705.6 Dead-end corridors**

This is a correction to exception #4 to delete the word “existing” and to add “newly” to reflect the actual intent of the code provision.

## **SECTION 25: Stairs and handrails**

The IEBC did not have a detailed standard for stairs (new and existing), so this section was modified to include provisions from the current *Wichita Existing Buildings Rehabilitation and Change of Use Code* and a few additional standards. Item #1 is a given and 2 & 3 are a carry over from the *Wichita Existing Buildings Rehabilitation and Change of Use Code*. Item #4 expands on what is currently found in the Code, in that, it establishes minimum and maximum criteria for rise and run for stairs. Two exceptions detail the allowance for Group R-3 occupancies and stairs serving a limited occupant load. Item #3 establishes minimum width requirements for stairs.

## **SECTION 26: IEBC 706.2 stairs and escalators in existing buildings**

Clarifies that Chapter 11, as amended, of the 2006 International Building Code governs on accessibility issues. The amended Chapter 11 adopts the American’s with Disabilities Act and the Fair Housing Act as the accessibility standard for Wichita.

## **SECTION 27: IEBC 706.3 Dwelling units and sleeping units**

See SECTION 26 above.

## **SECTION 28: IEBC 708.3.1 Enclosed areas**

The proposal modifies the language to mirror the requirement found in the National Electrical Code.

## **SECTION 29: IEBC 708.3.7 Clearances for equipment**

Clarifies that the standard for electrical regulation is the National Electrical Code, not the ICC Electrical Code.

## **SECTION 30: IEBC 710.1 Minimum fixtures**

Clarifies that the standard for plumbing fixture count is the International Building Code.

## **SECTION 31: IEBC 711 Energy Conservation**

This section is proposed for deletion.

## **SECTION 32: IEBC 803.2 Fire partitions and fire barriers in Group R-3**

This change was made to include reference to fire barriers.

## **SECTION 33: IEBC 803.2.1 Separation required.**

Language was added to address fire barrier separation requirements between Group R-3 occupancies and Groups B, M and S-2 occupancies. Without the change, the fire barrier requirement would be two-hours between the referenced occupancy groups. The one-hour requirement would be more in line with past practice under the Uniform Building Code and still provide a level of protection for occupants to safely exit the building.

## **SECTION 34: IEBC 808 Energy Conservation**

This section is proposed for deletion.

## **SECTION 35: IEBC 908.1 Special occupancies**

Clarifies that the standard for electrical regulation is the National Electrical Code, not the ICC Electrical Code.

## **SECTION 36: IEBC 908.2 Unsafe conditions**

See SECTION 35 above.

## **SECTION 37: IEBC 908.3 Service upgrade**

See SECTION 35 above.

## **SECTION 38: IEBC 908.4**

See SECTION 35 above.

## **SECTION 39: IEBC 910.1 Increased demand**

Clarify that both the International Building Code and Title 21 of the Code of the City of Wichita govern on plumbing related issues, such as, increased fixture count and water supply piping size.

## **SECTION 40: IEBC 910.2 Food handling occupancies**

Clarifies that the standard for plumbing regulation, in regards to food service, is Title 21 of the Code of the City of Wichita, not the International Plumbing Code.

#### **SECTION 41: IEBC 910.3 Interceptor required**

Clarifies that the Water and Sewer Department regulates the size of the grease interceptor and that it must be installed in accordance with Title 21 (Plumbing) of the Code of the City of Wichita.

#### **SECTION 42: IEBC 910.5 Group I-2**

Clarifies that the standard for plumbing regulation, in regards to Group I-2 Occupancies, is Title 21 (Plumbing) of the Code of the City of Wichita, not the International Plumbing Code.

#### **SECTION 43: IEBC 912.8 Accessibility**

Clarifies that Chapter 11, as amended, of the 2006 International Building Code governs on accessibility issues. The amended Chapter 11 adopts the American's with Disabilities Act and the Fair Housing Act as the accessibility standard for Wichita.

#### **SECTION 44: IEBC 1001.2 Creation or extension of nonconformity**

The proposed amendment allows an existing area separation wall to be extended to accommodate a building addition using similar ratings and construction materials, without compliance with the firewall provisions of the International Building Code. The exception limits the maximum length allowed to not more than 25% of the length of the existing wall, not to exceed 30 feet.

#### **SECTION 45: IEBC 1002.2 Area limitations**

The proposed amendment allows existing structures to retain "allowable area" rights established at the time of original construction. Generally, the International Building Code is less restrictive than prior codes, in regards to allowable area, but in some cases that would not be true. This will allow an owner that planned their development, based on prior allowances, the ability to continue to build out the total square footage anticipated. Also adds the ability to increase by 10 % the allowable area of a building when that structure was built without the approval from the Superintendent of OCI.

#### **SECTION 46: IEBC 1002.3 Fire protection systems**

This proposed amendment allows for buildings that have nonconforming fire areas to be increased by not more than 25 percent without trigger either fire barrier separation or an automatic sprinkler system.

#### **SECTION 47: IEBC 1003.5 Flood hazard areas**

This amendment refers flood hazard issues to Chapter 27.04 of the Code of the City of Wichita.

#### **SECTION 48: IEBC 1101.4 Flood hazard areas**

This amendment refers flood hazard issues to Chapter 27.04 of the Code of the City of Wichita.

#### **SECTION 49: IEBC 1201.2 Conformance**

Since the City of Wichita has not adopted the International Property Maintenance Code, it is deleted and the fire and building codes established as the standard for safe human occupation of structures.

#### **SECTION 50: IEBC 1301.2 Applicability**

The applicability date is established as the date the 2006 International Building Code will be adopted.

#### **SECTION 51: IEBC 1301.2.5 Accessibility requirements**

Clarifies that Chapter 11, as amended, of the 2006 International Building Code governs on accessibility issues. The amended Chapter 11 adopts the American's with Disabilities Act and the Fair Housing Act as the accessibility standard for Wichita.

#### **SECTION 52: IEBC 1301.3.2 Compliance with other codes**

Delete reference to the International Property Maintenance Code, since it has not been adopted for enforcement.

#### **SECTION 53: IEBC 1301.3.3 Compliance with flood hazard provisions**

This amendment refers flood hazard issues to Chapter 27.04 of the Code of the City of Wichita.

#### **SECTION 54: IEBC 1401.5 Facilities required**

Clarify that restroom facilities shall be provided for building occupants during construction, if business activates will occur.

#### **SECTION 55: IEBC 1401.6.1 Walkways**

Modify the section to refer to amended Chapter 11 of the International Building Code for accessibility issues. In addition, an exception is added to eliminate the walkway requirement where no sidewalk exists or one planned.

CLEAN

August 8, 2007

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ADOPTING THE 2006 INTERNATIONAL EXISTING BUILDING CODE AND CITY OF WICHITA AMENDMENTS THERETO AS CHAPTER 18.45 OF THE CODE OF THE CITY OF WICHITA, KANSAS, AND REPEALING CHAPTER 18.44, OF THE CODE OF THE CITY OF WICHITA, KANSAS, ALL PERTAINING TO BUILDING CODES.

BE IT ORDAINED BY THE GOVENING BODY OF THE CITY OF WICHITA,  
KANSAS:

**SECTION 1.** Section 18.45.010 of the Code of the City of Wichita, is hereby created to read as follows:

**“Adoption of the International Existing Building Code.** The International Existing Building Code, as published by the International Codes Council, Inc., 2006 Edition, including the appendices, is hereby adopted and incorporated herein by reference, subject to such amendments thereto as are set forth in this chapter.”

**SECTION 2.** Section 18.45.020 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 103.1 of the International Existing Building Code, is deleted.”

**SECTION 3.** Section 18.45.030 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 105.1.1 of the International Existing Building Code, is deleted.”

**SECTION 4.** Section 18.45.040 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 105.1.2 of the International Existing Building Code, is deleted.”

**SECTION 5.** Section 18.45.050 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 105.3 of the International Existing Building Code, is amended to read as follows:

**105.3 Application for permit.** To obtain a permit, the applicant shall first file an application therefore in writing on a form (Plan Information Sheet) furnished by the Office of Central Inspection for that purpose. Such application and/or notes on the drawings shall:

1. Identify and describe the work in accordance with Chapter 4 to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required by Section 106.3.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant’s authorized agent.

7. Provide a statement indicating the percentage of building area, by floor, of the work area (see Chapter 2 Definitions: **WORK AREA**) covered by the permit application.

8. Give such other data and information as required by the code official.”

**SECTION 6.** Section 18.45.060 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 105.3.2 of the International Existing Building Code, is amended to read as follows:

**105.3.2 Time limitation of application.** An Application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of project activity, unless such application has been pursued in good faith or a permit has been issued; except that the code official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.”

**SECTION 7.** Section 18.45.070 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 105.5 of the International Existing Building Code, is amended to read as follows:

**105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Work



shall be considered to have been suspended or abandoned if it has been more than 180 days since the last required inspection. Before work can be recommenced, a new permit must be obtained to do so, and the fee shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and that such suspension or abandonment has not exceeded one year. The code official is authorized to grant, in writing, one or more extensions of time for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated.”

**SECTION 8.** Section 18.45.080 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 107.3 of the International Existing Building Code, is amended to read as follows:

**107.3 Temporary power.** The code official is authorized to give permission to temporarily supply and use power in part of an electrical installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat, or power in the *National Electrical Code*.”

**SECTION 9.** Section 18.45.090 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 109.3.9 of the International Existing Building Code, is amended to read as follows:

**109.3.9 Final inspection.** The final inspection shall be made after all work required by the building permit is completed. If landscaping is required by the building permit, the landscaping shall be installed by the holder of the building permit, their duly authorized agent, or property owner. A letter of credit or bond in the amount of 125% of the cost of the landscaping shall be submitted to the Office of Central Inspection before a final inspection approval will be issued to the general contractor. The building shall not be occupied prior to obtaining final inspection approval.”

**SECTION 10.** Section 18.45.100 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 110.2 of the International Existing Building Code, is amended to read as follows:

**110.2 Certificate issued.** After the code official inspects the building and finds no violations of the provisions of this code or other laws that are enforced by the Office of Central Inspection, the code official shall issue a certificate of occupancy that shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name of the owner.
4. A description of that portion of the structure for which the certificate is issued.

~~5.~~ A statement that the described portion of the structure has been inspected for compliance with the various ordinances of the City of Wichita regulating building construction or use.

**SECTION 11.** Section 18.45.110 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 112.1 of the International Existing Building Code, is amended to read as follows:

**112.1 General.** In order to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of code standards and appeals. The board of code standards and appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting business.”

**SECTION 12.** Section 18.45.120 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 401.2 of the International Existing Building Code, is amended to read as follows:

**401.2 Work area.** The work area, as defined in Chapter 2, shall be identified on the construction documents. The architect of record shall specify the percentage of area, by floor, that constitutes work area. Reconfiguration of floor area shall be the removal, relocation or construction of new walls or building elements within a tenant area or building. Work area calculations shall include

the rooms or spaces and areas directly adjacent to where reconfiguration is planned.

**Exception:** The area of the entire room or space does not need to be included within the work area calculation where the following conditions are met:

1. The area within ten feet of the reconfiguration (perimeter calculation) is less than 25 percent of the room or space, and
2. The occupancy of the area has not changed, and
3. The reconfiguration does not affect the existing exits from the room or space.”

**SECTION 13.** Section 18.45.130 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 501.4 of the International Existing Building Code, is amended to read as follows:

**501.4 Flood hazard areas.** In flood hazard areas, repairs that constitute substantial improvement shall require that the building comply with Chapter 27.04 of the Code of the City of Wichita.”

**SECTION 14.** Section 18.45.140 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 506.2.5 of the International Existing Building Code, is amended to read as follows:

**506.2.5 Flood hazard areas.** In flood hazard areas, damaged buildings that sustain substantial damage shall be brought into compliance with Chapter 27.04 of the Code of the City of Wichita.”

**SECTION 15.** Section 18.45.150 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 602.3 of the International Existing Building Code, is amended to read as follows:

**602.3 Materials and methods.** All new work shall comply with materials and methods requirements in the *National Electrical Code*, *International Building Code*, Title 21 (Plumbing) and 22 (Mechanical) of the Code of the City of Wichita, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, fire protection, and continuity of any element, component, or system in the building.

**Exception:** Where building separation is required by the adopted electrical code to allow for multiple electrical services, a fire wall may be constructed in accordance with the provisions of a two-hour fire barrier per the *International Building Code*. If the fire wall coincides with that of a required fire barrier, then the most restrictive requirement shall apply. For allowable area purposes, the building is considered as one structure with no benefit derived from the fire wall.”

**SECTION 16.** Section 18.45.160 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 605.1 of the International Existing Building Code, is amended to read as follows:

**605.1 General.** A building, facility, or element that is altered shall comply with the applicable provisions in Section 605.1.1 through 605.1.12, Chapter 11, as

amended, of the *International Building Code*, unless technically infeasible, the alteration shall provide access to the maximum extent technically feasible.

**Exceptions:**

The altered element or space is not required to be on an accessible route unless required by Section 506.2.

**SECTION 17.** Section 18.45.170 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 607 of the International Existing Building Code, is deleted.”

**SECTION 18.** Section 18.45.180 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 605.1.1 of the International Existing Building Code, is amended to read as follows:

**605.1.1 Entrances.** Where an alteration includes alterations to an entrance, and the building or facility has an accessible entrance on an accessible route, the altered entrance is not required to be accessible unless required by Section 605.2. Signs complying with Section 18.50.450(a) of the Code of the City of Wichita shall be provided.”

**SECTION 19.** Section 18.45.190 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 605.1.2 of the International Existing Building Code, is amended to read as follows:

**605.1.2 Elevators.** Altered elements of existing elevators shall comply with ASME A17.1 and *International Building Code* Chapter 11, as amended.

Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator.”

**SECTION 20.** Section 18.45.200 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 605.1.3 of the International Existing Building Code, is amended to read as follows:

**605.1.3 Platform lifts.** Platform (wheelchair) lifts complying with *International Building Code* Chapter 11, as amended, and installed in accordance with ASME A18.1 shall be permitted as a component of an accessible route.”

**SECTION 21.** Section 18.45.210 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 605.1.8 of the International Existing Building Code, is amended to read as follows:

**605.1.8 Dwelling or sleeping units.** Where Group I-1, I-2, I-3, R-1, R-2, or R-4 dwelling or sleeping units are being altered, the requirements for accessible alarms apply only to the quantity of the spaces being altered.”

**SECTION 22.** Section 18.45.220 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 705.3.1.2.1 of the International Existing Building Code, is amended to read as follows:

**705.3.1.2.1 Fire escape access and details.** Fire escapes shall comply with all of the following requirements:

1. Occupants shall have unobstructed access to the fire escape without having to pass through a room subject to locking.

2. Access to a new fire escape shall be through a door, except that windows shall be permitted to provide access from single dwelling units or sleeping units in Group R-1, R-2, and I-1 occupancies or to provide access from spaces having a maximum of 10 in other occupancy classifications.

3. Newly constructed fire escapes shall be permitted only where exterior stairs cannot be utilized because of lot lines limiting the stair size or because of the sidewalks, alleys, or roads at grade level.

4. Openings within 10 feet (3048 mm) of fire escape stairs shall be protected by fire assemblies having  $\frac{3}{4}$  hour fire-resistance ratings. When located within a recess or vestibule, adjacent enclosure walls shall not be less than one-hour fire-resistance rated construction.

**Exception:** Opening protection shall not be required in buildings equipped throughout with an approved automatic sprinkler system.

5. In all buildings of Group E occupancy, up to and including the 12<sup>th</sup> grade, buildings of Group I occupancy, rooming houses, and childcare centers, ladders of any type are prohibited on fire escapes used as a required means of egress.

6. Fire escape balconies shall not be less than 44 inches (1118 mm) in width with no floor opening greater than  $\frac{5}{8}$  inch (15.9 mm) in width except the stairway opening. Stairway openings in such balconies



shall not be less than 22 inches by 44 inches (559 mm by 1118 mm). The guard of each balcony shall not be less than 36 inches (914 mm) high with not more than 9 inches (229 mm) between intermediate rails.

7. Fire escapes shall extend to the roof or provide an approved gooseneck ladder between the top floor landing and the roof in buildings four or more stories in height having roofs with a slope not exceeding 4 units vertical in 12 units horizontal (33.3 percent slope). Such ladders shall be designed and connected to the building to withstand a horizontal force of 100 pounds per lineal foot (1459 N/m). Each rung shall support a concentrated load of 500 pounds (2224 N) placed anywhere on the rung to produce the maximum stress conditions. All ladders shall be at least 15 inches (381 mm) in clear width, be located within 12 inches (305 mm) of the building and shall be placed flatwise to the face of the building. Ladder rungs shall be at least  $\frac{3}{4}$  inch (19.1 mm) in diameter and shall be located 10 inches to 12 inches (254 mm to 305 mm) on center. Openings for roof access ladders through cornices and similar projections shall have minimum dimensions of 30 inches by 33 inches (762 mm by 838 mm).

8. The lowest balcony shall not be more than 18 feet (5486 mm) from the ground. Fire escapes shall extend to the ground or be provided with counterbalanced stairs reaching to the ground.

9. The fire escape shall have a clearance from electrical service conductors as required by the *National Electrical Code*.”

**SECTION 23.** Section 18.45.230 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 705.4.4 of the International Existing Building Code, is amended to read as follows:

**705.4.4 Panic hardware.** In any work area, and in the egress path from any work area to the exit discharge, in buildings or portions thereof of Group A assembly occupancies with an occupant load greater than 50, all required exit doors equipped with latching devices shall be equipped with approved panic hardware.”

**SECTION 24.** Section 18.45.240 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 705.6 of the International Existing Building Code, is amended to read as follows:

**705.6 Dead-end corridors.** Dead-end corridors in any work area shall not exceed 35 feet (10 670 mm).

**Exceptions:**

1. Where dead-end corridors of greater length are permitted by the *International Building Code*.
2. In other than Group A and H occupancies, the maximum length of an existing dead-end corridor shall be 50 feet (15 240 mm) in buildings equipped throughout with an automatic fire alarm system installed in accordance with the *International Building Code*.

3. In other than Group A and H occupancies, the maximum length of an existing dead-end corridor shall be 70 feet (21 356 mm) in building equipped throughout with an automatic sprinkler system installed in accordance with the *International Building Code*.

4. In other than Group A and H occupancies, the maximum length of newly constructed, or extended dead-end corridor shall not exceed 50 feet (15 240 mm) on floors equipped with an automatic sprinkler system installed in accordance with the *International Building Code*.”

**SECTION 25.** Section 18.45.250 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 705.9 of the International Existing Building Code, is amended to read as follows:

**705.9 Stairs and handrails.** Stairs shall comply with all of the following requirements:

1. Newly constructed stairs shall comply with the provisions of the *International Building Code*.

2. Existing winding or spiral stairways in any work area may serve as part of the means of egress from a building, including single exit buildings complying with 705.3.1.1, for a maximum occupant load of 10, provided that a complying handrail is located at the stair’s outside perimeter. A winding or spiral stairway may not be the principal means of egress when used in conjunction with a fire escape as a second means of egress. Means of egress width shall comply

with the building code. Circular stairways complying with the building code shall be acceptable as a means of egress.

3. An alteration or the replacement of an existing stairway shall not be required to comply with the requirements of a new stairway as outlined in the building code where the existing space and construction will not allow a reduction in pitch or slope.

4. The largest tread run within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm), nor be less than 10 inches (254 mm) in width. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm), nor be less than 4 inches (102 mm) in height. The maximum riser height shall not exceed 7 1/2 inches (191 mm) in height.

**Exceptions:**

1. In Group R-3 occupancies, stairs may have a minimum tread run of 9 inches (229 mm) and a maximum riser of 8 inches (203 mm) in height.

2. Existing stairs serving an occupant load of 10 or less may have a minimum tread run of 9 inches (229 mm) in width and a maximum riser of 8 inches (203 mm) in height.

3. Existing stairs serving an occupant load of 10 or less may have a minimum width of 30 inches (763 mm). Stairs serving an occupant load of 11 or more, but not more than 50, may be 36 inches (915 mm) in width. Stairs serving occupant load of over 50 shall comply with the building code.

The requirements of Section 705.9.1 and 705.9.2 shall apply to handrails from the work area floor to the level of exit discharge.”

**SECTION 26.** Section 18.45.260 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 706.2 of the International Existing Building Code, is amended to read as follows:

**706.2 Stairs and escalators in existing buildings.** In alterations where an escalator or stair is added where none existed previously, an accessible route shall be provided in accordance with Chapter 11, as amended, of the *International Building Code*.”

**SECTION 27.** Section 18.45.270 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 706.3 of the International Existing Building Code, is amended to read as follows:

**706.3 Dwelling units and sleeping units.** Where Group I-1, I-2, I-3, R-1, R-2, or R-4 dwelling units or sleeping units are being added, the requirements of Chapter 11, as amended, of the *International Building Code* for accessible units and Chapter 9 of the *International Building Code* for accessible alarms apply only to the quantity of spaces being added.”

**SECTION 28.** Section 18.45.280 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 708.3.1 of the International Existing Building Code, is amended to read as follows:

**708.3.1 Enclosed areas.** All enclosed areas, other than closets, kitchens, basements, garages, hallways, laundry areas, utility areas, storage areas, and bathrooms shall have a minimum of two duplex receptacle outlets and one light fixture.

**SECTION 29.** Section 18.45.290 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 708.3.7 of the International Existing Building Code, is amended to read as follows:

**708.3.7 Clearances for equipment.** Clearance for electrical service equipment shall be provided in accordance with the *National Electrical Code*.”

**SECTION 30.** Section 18.45.300 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 710.1 of the International Existing Building Code, is amended to read as follows:

**710.1 Minimum fixtures.** Where the occupant load of the story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the *International Building*.”

**SECTION 31.** Section 18.45.310 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 711 of the International Existing Building Code is deleted.”

**SECTION 32.** Section 18.45.320 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 803.2 of the International Existing Building Code, is amended to read as follows:

**803.2 Fire partitions in Group R-3 and fire barrier separations in mixed occupancy uses involving a Group R-3.** Fire separation in Group R-3 occupancies shall be in accordance with Section 803.2.1.”

**SECTION 33.** Section 18.45.330 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 803.2.1 of the International Existing Building Code, is amended to read as follows:

**803.2.1 Separation required.** Where the work area is in any attached dwelling unit in Group R-3 or any multiple single family dwelling (townhouse), walls separating the dwelling-units that are not continuous from the foundation to the underside of the roof sheathing shall be constructed to provide a continuous fire separation using construction materials consistent with the existing wall or complying with the requirements for new structures. All work shall be preformed on the side of the dwelling unit wall that is part of the work area.

**Exception:** Where alterations or repairs do not result in the removal of wall or ceiling finishes exposing the structure, walls are not required to be continuous through concealed floor spaces.

Where the work area is adjacent to a different occupancy group, then separation of the occupancy groups by means of an approved fire barrier shall be in accordance with the *International Building Code*.

**Exceptions:**

1. The required separation between a Group R-3 and an accessory garage for the storage of private or pleasure-type motor vehicles where no repair work is done or fuel dispensed may be built in conformance Section 406.1.4(1), of the *International Building Code*.

2. The required separation between a Group R-3 and a Group B, M or S-2 parking garage of 5,000 square feet (464 m<sup>2</sup>) or less shall be protected with a fire barrier of not less than one-hour fire-resistant construction.”

**SECTION 34.** Section 18.45.340 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 808 of the International Existing Building Code, is deleted.”

**SECTION 35.** Section 18.45.350 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 908.1 of the International Existing Building Code, is amended to read as follows:

**908.1 Special occupancies.** Where the occupancy of an existing building or part of an existing building is changed to one of the following special occupancies as described in the *National Electrical Code*, the electrical wiring and equipment of the building or portion thereof that contains the proposed occupancy shall comply with the applicable requirements of the *National Electrical Code* whether or not a change of occupancy group is involved:

1. Hazardous locations.
2. Commercial garages, repair, and storage.



3. Aircraft hangers.
4. Gasoline dispensing and service stations.
5. Bulk storage plants.
6. Spray application, dipping, and coating processes.
7. Health care facilities.
8. Places of assembly.
9. Theaters, audience areas of motion picture and television studios, and similar locations.
10. Agricultural buildings.”

**SECTION 36.** Section 18.45.360 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 908.2 of the International Existing Building Code, is amended to read as follows:

**908.2 Unsafe conditions.** Where the occupancy of an existing building or part of an existing building is changed, all unsafe conditions shall be corrected without requiring that all parts of the electrical system be brought up to the current edition of the *National Electrical Code*.”

**SECTION 37.** Section 18.45.370 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 908.3 of the International Existing Building Code, is amended to read as follows:

**908.3 Service upgrade.** Where the occupancy of an existing building or part of an existing building is changed, electrical service shall be upgraded to meet the requirements of the *National Electrical Code* for the new occupancy.”

**SECTION 38.** Section 18.45.380 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 908.4 of the International Existing Building Code, is amended to read as follows:

**908.4 Number of electrical outlets.** Where the occupancy of an existing building or part of an existing building changed, the number of electrical outlets shall comply with the *National Electrical Code* for the new occupancy.”

**SECTION 39.** Section 18.45.390 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 910.1 of the International Existing Building Code, is amended to read as follows:

**910.1 Increased demand.** Where the occupancy of an existing building or part of an existing building is changed such that the new occupancy is subject to increased or different plumbing fixture requirements or to increased water supply requirements in accordance with the *International Building Code* and Title 21 (Plumbing) of the Code of the City of Wichita, the new occupancy shall comply with the intent of the respective code provisions.”

**SECTION 40.** Section 18.45.400 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 910.2 of the International Existing Building Code, is amended to read as follows:

**910.2 Food handling occupancies.** If the new occupancy is a food handling establishment, all existing sanitary waste lines above the food or drink preparation or storage areas shall be panned or otherwise protected to prevent leaking pipes or condensation on pipes from contaminating food or drink. New drainage lines shall not be installed above such areas and shall be protected in accordance with Title 21 (Plumbing) of the Code of the City of Wichita.”

**SECTION 41.** Section 18.45.410 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 910.3 of the International Existing Building Code, is amended to read as follows:

**910.3 Interceptor required.** If the new occupancy will produce grease or oil-laden wastes, interceptors shall be provided as required by the Water & Sewer Department and installed in accordance with Title 21 (Plumbing) of the Code of the City of Wichita.”

**SECTION 42.** Section 18.45.420 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 910.5 of the International Existing Building Code, is amended to read as follows:

**910.5 Group I-2.** If the occupancy group is changed to Group I-2, the plumbing system shall comply the applicable requirements of Title 21 (Plumbing) of the Code of the City of Wichita.”

**SECTION 43.** Section 18.45.430 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 912.8 of the International Existing Building Code, is to read as follows:

**912.8 Accessibility.** Existing buildings or portions thereof that undergo a change of group or occupancy classification shall have all of the following accessible features:

1. At least one accessible building entrance.
2. At least one accessible route from an accessible building entrance to primary function areas.
3. Signage complying with Chapter 11, as amended, of the *International Building Code*.
4. Accessible parking, where parking is provided.
5. At least one accessible passenger loading zone, where loading zones are provided.
6. At least one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.

Where it is technically infeasible to comply with the new construction standards for any of these requirements for a change of group or occupancy, the above items shall conform to the requirements to the maximum extent technically feasible. Change of group or occupancy that incorporate any alterations or additions shall comply with this section and Sections 605.1 and 1005.1 as applicable.

**Exception:** Type B dwelling or sleeping units required by Chapter 11, as amended, of the *International Building Code* are not required to be provided in existing buildings and facilities.”

**SECTION 44.** Section 18.45.440 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1001.2 of the International Existing Building Code, is amended to read as follows:

**1001.2 Creation or extension of nonconformity.** An addition shall not create or extend any nonconformity in the existing building to which the addition is being made with regard to accessibility, structural strength, fire safety, means of egress, or the capacity of mechanical, plumbing, or electrical systems.

**Exception:** Area separation walls constructed prior to the adoption of the 2000 *International Building Code* (April 2, 2002) may be increased in length by not more than 25 percent of the length of the existing wall, not to exceed thirty feet. The method of construction and fire rating of the additional wall length shall be in general conformance to that of the existing wall. The materials used in the area separation wall construction shall comply with the building construction type, but may be any approved assembly that provides the same level of protection.”

**SECTION 45.** Section 18.45.450 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1002.2 of the International Existing Building Code, is amended to read as follows:

**1002.2 Area limitations.** No addition shall increase the area of an existing building beyond that permitted under the applicable provisions of Chapter 5 of the *International Building Code* for new buildings unless fire separation as required by the *International Building Code* is provided.

**Exceptions:**

1. In-filling of floor openings and nonoccupiable appendages such as elevator and exit stair shafts shall be permitted beyond that permitted by the *International Building Code*.

2. Allowable area expansion rights up to and including an additional 10% (percent) area increase which would have been allowed under the code WHEN the building was constructed, will be permissible without approval from the Superintendent of Central Inspection, subject to the fire area limitations of Sections 1002.3 of this code.”

**SECTION 46.** Section 18.45.460 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1002.3 of the International Existing Building Code, is amended to read as follows:

**1002.3 Fire protection systems.** Existing fire areas increased by the addition shall comply with Chapter 9 of the *International Building Code*.

**Exception:** Buildings constructed prior to the adoption of the 2000 *International Building Code* (April 2, 2002) may have a nonconforming fire area increase by not more than 25 percent of the fire area limitation, for the occupancy classification, as specified under Section 903.2 of the *International Building*

*Code*. All additions to the fire area shall be considered as accumulative and subject to the limitations of the construction type.”

**SECTION 47.** Section 18.45.470 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1003.5 of the International Existing Building Code, is amended to read as follows:

**1003.5 Flood hazard areas.** Additions and foundations in flood hazard areas shall comply with Chapter 27.04 of the Code of the City of Wichita.

**SECTION 48.** Section 18.45.480 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1101.4 of the International Existing Building Code, Code, is to read as follows:

**1101.4 Flood hazard areas.** In flood hazard areas, if all proposed work, including repairs, work required because of a change of occupancy, and alterations, constitutes substantial improvement, then the existing building shall comply with Chapter 27.04 of the Code of the City of Wichita

**SECTION 49.** Section 18.45.490 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1201.2 of the International Existing Building Code, is amended to read as follows:

**1201.2 Conformance.** The building shall be safe for human occupancy as determined by the *International Fire Code* and the *International Building Code*.

Any repair, alteration, or change of occupancy undertaken within the moved structure shall comply with the requirements of this code applicable to the work being performed. Any field-fabricated elements shall comply with the requirements of the *International Building Code* or the *International Residential Code* as applicable.”

**SECTION 50.** Section 18.45.500 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1301.2 of the International Existing Building Code, is amended to read as follows:

**1301.2 Applicability.** Structures existing prior to April 2, 2002, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapter 4 through 12. The provisions of Section 1301.2.1 through 1301.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.”

**SECTION 51.** Section 18.45.510 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1301.2.5 of the International Existing Building Code, is amended to read as follows:

**1301.2.5 Accessibility requirements.** All portions of the buildings proposed for change of occupancy shall conform to the accessibility provisions of Chapter 11, as amended, of the *International Building Code*.”



**SECTION 52.** Section 18.45.520 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1301.3.2 of the International Existing Building Code, is amended to read as follows:

**1301.3.2 Compliance with other codes.** Buildings that are evaluated in accordance with this section shall comply with the *International Fire Code*.”

**SECTION 53.** Section 18.45.530 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1301.3.3 of the International Existing Building Code, is amended to read as follows:

**1301.3.3 Compliance with flood hazard provisions.** In flood hazard areas, buildings that are evaluated in accordance with this section shall comply with Chapter 27.04 of the Code of the City of Wichita if the work covered by this section constitutes substantial improvement.”

**SECTION 54.** Section 18.45.540 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1401.5 of the International Existing Building Code, is amended to read as follows:

**1401.5 Facilities required.** Sanitary facilities for building occupants shall be provided during construction or demolition activities, where occupancy of the structure will still occur.

**SECTION 55.** Section 18.45.550 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1401.6.1 of the International Existing Building Code, is amended to read as follows:

**1401.6.1 Walkways.** A walkway shall be provided for pedestrian travel in front of every construction and demolition site unless the authority having jurisdiction authorizes the sidewalk to be fenced or closed. Walkways shall be of sufficient width to accommodate the pedestrian traffic, but in no case shall they be less than 4 feet (1219 mm) in width. Walkways shall be provided with a durable walking surface. Walkways shall be accessible in accordance with Chapter 11, as amended, of the *International Building Code* and shall be designed to support all imposed loads and in no case shall the design live load be less than 150 psf (7.2 kNm<sup>2</sup>).

**Exception:** The walkway is not required when there is not an existing sidewalk or one planned for that location.”

SECTION 56. Chapter 18.44 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 57. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon publication once in the official paper.

PASSED by the governing body of the City of Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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Carl Brewer, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to form:

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Gary E. Rebenstorf  
Director of Law

DELINEATED

August 8, 2007

First Published in The Wichita Eagle on \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ADOPTING THE 2006 INTERNATIONAL EXISTING BUILDING CODE AND CITY OF WICHITA AMENDMENTS THERETO AS CHAPTER 18.45 OF THE CODE OF THE CITY OF WICHITA, KANSAS, AND REPEALING CHAPTER 18.44, OF THE CODE OF THE CITY OF WICHITA, KANSAS, ALL PERTAINING TO BUILDING CODES.

BE IT ORDAINED BY THE GOVENING BODY OF THE CITY OF WICHITA,  
KANSAS:

**SECTION 1.** Section 18.45.010 of the Code of the City of Wichita, is hereby created to read as follows:

**“Adoption of the International Existing Building Code.** The International Existing Building Code, as published by the International Codes Council, Inc., 2006 Edition, including the appendices, is hereby adopted and incorporated herein by reference, subject to such amendments thereto as are set forth in this chapter.”

**SECTION 2.** Section 18.45.020 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 103.1 of the International Existing Building Code, is deleted.”

**SECTION 3.** Section 18.45.030 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 105.1.1 of the International Existing Building Code, is deleted.”

**SECTION 4.** Section 18.45.040 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 105.1.2 of the International Existing Building Code, is deleted.”

**SECTION 5.** Section 18.45.050 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 105.3 of the International Existing Building Code, is amended to read as follows:

**105.3 Application for permit.** To obtain a permit, the applicant shall first file an application therefore in writing on a form (Plan Information Sheet) furnished by the Office of Central Inspection ~~Department of Building Safety~~ for that purpose. Such application and/or notes on the drawings shall:

1. Identify and describe the work in accordance with Chapter 4 to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required by Section 106.3.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant’s authorized agent.

7. Provide a statement indicating the percentage of building area, by floor, of the work area (see Chapter 2 Definitions: **WORK AREA**) covered by the permit application.

7. 8. Give such other data and information as required by the code official.”

**SECTION 6.** Section 18.45.060 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 105.3.2 of the International Existing Building Code, is amended to read as follows:

**105.3.2 Time limitation of application.** An Application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of project activity filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.”

**SECTION 7.** Section 18.45.070 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 105.5 of the International Existing Building Code, is amended to read as follows:

**105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or

abandoned for a period of 180 days after the time the work is commenced. Work shall be considered to have been suspended or abandoned if it has been more than 180 days since the last required inspection. Before work can be recommenced, a new permit must be obtained to do so, and the fee shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and that such suspension or abandonment has not exceeded one year. The code official is authorized to grant, in writing, one or more extensions of time for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated.”

**SECTION 8.** Section 18.45.080 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 107.3 of the International Existing Building Code, is amended to read as follows:

**107.3 Temporary power.** The code official is authorized to give permission to temporarily supply and use power in part of an electrical installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat, or power in the ~~ICC~~ National Electrical Code.”

**SECTION 9.** Section 18.45.090 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 109.3.9 of the International Existing Building Code, is amended to read as follows:

**109.3.9 Final inspection.** The final inspection shall be made after all work required by the building permit is completed. If landscaping is required by the building permit, the landscaping shall be installed by the holder of the building permit, their duly authorized agent, or property owner. A letter of credit or bond in the amount of 125% of the cost of the landscaping shall be submitted to the Office of Central Inspection before a final inspection approval will be issued to the general contractor. The building shall not be occupied prior to obtaining final inspection approval.”

**SECTION 10.** Section 18.45.100 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 110.2 of the International Existing Building Code, is amended to read as follows:

**110.2 Certificate issued.** After the code official inspects the building and finds no violations of the provisions of this code or other laws that are enforced by the ~~Department of Building Safety~~ Office of Central Inspection, the code official shall issue a certificate of occupancy that shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name ~~and address~~ of the owner.
4. A description of that portion of the structure for which the certificate is issued.



5. A statement that the described portion of the structure has been inspected for compliance with the various ordinances of the City of Wichita regulating building construction or use. ~~requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.~~

6. ~~The name of the code official.~~

7. ~~The edition of the code under which the permit was issued.~~

8. ~~The use and occupancy in accordance with the provisions of the International Building Code.~~

9. ~~The type of construction as defined in the International Building Code.~~

10. ~~The design occupant load and any impact the alteration has on the design occupant of the area not within the scope of the work.~~

11. ~~If an automatic sprinkler system is provided, whether the sprinkler system is required.~~

12. ~~Any special stipulations and conditions of the building permit.”~~

**SECTION 11.** Section 18.45.110 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 112.1 of the International Existing Building Code, is amended to read as follows:

**112.1 General.** In order to hear and decide appeals of orders, decisions, or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of code

standards and appeals. The board of code standards and appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting business.”

**SECTION 12.** Section 18.45.120 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 401.2 of the International Existing Building Code, is amended to read as follows:

**401.2 Work area.** The work area, as defined in Chapter 2, shall be identified on the construction documents. The architect of record shall specify the percentage of area, by floor, that constitutes work area. Reconfiguration of floor area shall be the removal, relocation or construction of new walls or building elements within a tenant area or building. Work area calculations shall include the rooms or spaces and areas directly adjacent to where reconfiguration is planned.

**Exception:** The area of the entire room or space does not need to be included within the work area calculation where the following conditions are met:

1. The area within ten feet of the reconfiguration (perimeter calculation) is less than 25 percent of the room or space, and
2. The occupancy of the area has not changed, and
3. The reconfiguration does not affect the existing exits from the room or space.”

**SECTION 13.** Section 18.45.130 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 501.4 of the International Existing Building Code, is amended to read as follows:

**501.4 Flood hazard areas.** In flood hazard areas, repairs that constitute substantial improvement shall require that the building comply with ~~Section 1612 of the International Building Code~~ Chapter 27.04 of the Code of the City of Wichita.”

**SECTION 14.** Section 18.45.140 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 506.2.5 of the International Existing Building Code, is amended to read as follows:

**506.2.5 Flood hazard areas.** In flood hazard areas, damaged buildings that sustain substantial damage shall be brought into compliance with ~~Section 1612 of the International Building Code~~ Chapter 27.04 of the Code of the City of Wichita.”

**SECTION 15.** Section 18.45.150 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 602.3 of the International Existing Building Code, is amended to read as follows:

**602.3 Materials and methods.** All new work shall comply with materials and methods requirements in the ~~ICC~~ National Electrical Code, International Building Code, International Energy Code, Title 21 (Plumbing) and 22 (Mechanical) of the Code of the City of Wichita ~~International Mechanical Code, and International Uniform Plumbing Code,~~ as applicable, that specify material

standards, detail of installation and connection, joints, penetrations, fire protection, and continuity of any element, component, or system in the building.

**Exception:** Where building separation is required by the adopted electrical code to allow for multiple electrical services, a fire wall may be constructed in accordance with the provisions of a two-hour fire barrier per the *International Building Code*. If the fire wall coincides with that of a required fire barrier, then the most restrictive requirement shall apply. For allowable area purposes, the building is considered as one structure with no benefit derived from the fire wall.”

**SECTION 16.** Section 18.45.160 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 605.1 of the International Existing Building Code, is amended to read as follows:

**605.1 General.** A building, facility, or element that is altered shall comply with the applicable provisions in Section 605.1.1 through 605.1.12, Chapter 11, as amended, of the *International Building Code*, ~~and ICC A117.1~~ unless technically infeasible, the alteration shall provide access to the maximum extent technically feasible.

**Exceptions:**

The altered element or space is not required to be on an accessible route unless required by Section 506.2.

~~2. Accessible means of egress required by Chapter 10 of the International Building Code are not required to be provided in existing buildings and facilities.~~

~~3. Type B dwelling or sleeping units required by Section 1107 of the International Building Code are not required to be provided in existing buildings and facilities.”~~

**SECTION 17.** Section 18.45.170 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 607 of the International Existing Building Code, is deleted.”

**SECTION 18.** Section 18.45.180 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 605.1.1 of the International Existing Building Code, is amended to read as follows:

**605.1.1 Entrances.** Where an alteration includes alterations to an entrance, and the building or facility has an accessible entrance on an accessible route, the altered entrance is not required to be accessible unless required by Section 605.2. Signs complying with Section 18.50.450(a) of the Code of the City of Wichita ~~1110 of the International Building Code~~ shall be provided.”

**SECTION 19.** Section 18.45.190 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 605.1.2 of the International Existing Building Code, is amended to read as follows:

**605.1.2 Elevators.** Altered elements of existing elevators shall comply with ASME A17.1 and International Building Code Chapter 11, as amended ICC A117.1. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator.”

**SECTION 20.** Section 18.45.200 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 605.1.3 of the International Existing Building Code, is amended to read as follows:

**605.1.3 Platform lifts.** Platform (wheelchair) lifts complying with International Building Code Chapter 11, as amended, ICC A117.1 and installed in accordance with ASME A18.1 shall be permitted as a component of an accessible route.”

**SECTION 21.** Section 18.45.210 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 605.1.8 of the International Existing Building Code, is amended to read as follows:

**605.1.8 Dwelling or sleeping units.** Where Group I-1, I-2, I-3, R-1, R-2, or R-4 dwelling or sleeping units are being altered, the requirements of ~~Section 1107 of the International Building Code for accessible or Type A units and Chapter 9 of the International Building Code~~ for accessible alarms apply only to the quantity of the spaces being altered.”

**SECTION 22.** Section 18.45.220 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 705.3.1.2.1 of the International Existing Building Code, is amended to read as follows:

**705.3.1.2.1 Fire escape access and details.** Fire escapes shall comply with all of the following requirements:

1. Occupants shall have unobstructed access to the fire escape without having to pass through a room subject to locking.

2. Access to a new fire escape shall be through a door, except that windows shall be permitted to provide access from single dwelling units or sleeping units in Group R-1, R-2, and I-1 occupancies or to provide access from spaces having a maximum of 10 in other occupancy classifications.

3. Newly constructed fire escapes shall be permitted only where exterior stairs cannot be utilized because of lot lines limiting the stair size or because of the sidewalks, alleys, or roads at grade level.

4. Openings within 10 feet (3048 mm) of fire escape stairs shall be protected by fire assemblies having  $\frac{3}{4}$  hour fire-resistance ratings. When located within a recess or vestibule, adjacent enclosure walls shall not be less than one-hour fire-resistance rated construction.

**Exception:** Opening protection shall not be required in buildings equipped throughout with an approved automatic sprinkler system.

5. In all buildings of Group E occupancy, up to and including the 12<sup>th</sup> grade, buildings of Group I occupancy, rooming houses, and

childcare centers, ladders of any type are prohibited on fire escapes used as a required means of egress.

6. Fire escape balconies shall not be less than 44 inches (1118 mm) in width with no floor opening greater than 5/8 inch (15.9 mm) in width except the stairway opening. Stairway openings in such balconies shall not be less than 22 inches by 44 inches (559 mm by 1118 mm). The guard of each balcony shall not be less than 36 inches (914 mm) high with not more than 9 inches (229 mm) between intermediate rails.

7. Fire escapes shall extend to the roof or provide an approved gooseneck ladder between the top floor landing and the roof in buildings four or more stories in height having roofs with a slope not exceeding 4 units vertical in 12 units horizontal (33.3 percent slope). Such ladders shall be designed and connected to the building to withstand a horizontal force of 100 pounds per lineal foot (1459 N/m). Each rung shall support a concentrated load of 500 pounds (2224 N) placed anywhere on the rung to produce the maximum stress conditions. All ladders shall be at least 15 inches (381 mm) in clear width, be located within 12 inches (305 mm) of the building and shall be placed flatwise to the face of the building. Ladder rungs shall be at least 3/4 inch (19.1 mm) in diameter and shall be located 10 inches to 12 inches (254 mm to 305 mm) on center. Openings for roof access ladders through cornices and similar projections shall have minimum dimensions of 30 inches by 33 inches (762 mm by 838 mm).



8. The lowest balcony shall not be more than 18 feet (5486 mm) from the ground. Fire escapes shall extend to the ground or be provided with counterbalanced stairs reaching to the ground.

9. The fire escape shall have a clearance from electrical service conductors as required by the *National Electrical Code*.”

**SECTION 23.** Section 18.45.230 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 705.4.4 of the International Existing Building Code, is amended to read as follows:

**705.4.4 Panic hardware.** In any work area, and in the egress path from any work area to the exit discharge, in buildings or portions thereof of Group A assembly occupancies with an occupant load greater than 50 ~~100~~, all required exit doors equipped with latching devices shall be equipped with approved panic hardware.”

**SECTION 24.** Section 18.45.240 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 705.6 of the International Existing Building Code, is amended to read as follows:

**705.6 Dead-end corridors.** Dead-end corridors in any work area shall not exceed 35 feet (10 670 mm).

**Exceptions:**

1. Where dead-end corridors of greater length are permitted by the *International Building Code*.

2. In other than Group A and H occupancies, the maximum length of an existing dead-end corridor shall be 50 feet (15 240 mm) in buildings equipped throughout with an automatic fire alarm system installed in accordance with the *International Building Code*.

3. In other than Group A and H occupancies, the maximum length of an existing dead-end corridor shall be 70 feet (21 356 mm) in building equipped throughout with an automatic sprinkler system installed in accordance with the *International Building Code*.

4. In other than Group A and H occupancies, the maximum length of an ~~existing~~ newly constructed, or extended dead-end corridor shall not exceed 50 feet (15 240 mm) on floors equipped with an automatic sprinkler system installed in accordance with the *International Building Code*.”

**SECTION 25.** Section 18.45.250 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 705.9 of the International Existing Building Code, ~~as adopted by~~ reference herein, shall be is amended to read as follows:

**705.9 Stairs and Hhandrails.** Stairs shall comply with all of the following requirements:

1. Newly constructed stairs shall comply with the provisions of the *International Building Code*.

2. Existing winding or spiral stairways in any work area may serve as part of the means of egress from a building, including single exit buildings

complying with 705.3.1.1, for a maximum occupant load of 10, provided that a complying handrail is located at the stair's outside perimeter. A winding or spiral stairway may not be the principal means of egress when used in conjunction with a fire escape as a second means of egress. Means of egress width shall comply with the building code. Circular stairways complying with the building code shall be acceptable as a means of egress.

3. An alteration or the replacement of an existing stairway shall not be required to comply with the requirements of a new stairway as outlined in the building code where the existing space and construction will not allow a reduction in pitch or slope.

4. The largest tread run within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm), nor be less than 10 inches (254 mm) in width. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm), nor be less than 4 inches (102 mm) in height. The maximum riser height shall not exceed 7 1/2 inches (191 mm) in height.

**Exceptions:**

1. In Group R-3 occupancies, stairs may have a minimum tread run of 9 inches (229 mm) and a maximum riser of 8 inches (203 mm) in height.

2. Existing stairs serving an occupant load of 10 or less may have a minimum tread run of 9 inches (229 mm) in width and a maximum riser of 8 inches (203 mm) in height.

3. Existing stairs serving an occupant load of 10 or less may have a minimum width of 30 inches (763 mm). Stairs serving an occupant load of 11 or more, but not more than 50, may be 36 inches (915 mm) in width. Stairs serving occupant load of over 50 shall comply with the building code.

The requirements of Section 705.9.1 and 705.9.2 shall apply to handrails from the work area floor to the level of exit discharge.”

**SECTION 26.** Section 18.45.260 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 706.2 of the International Existing Building Code, is amended to read as follows:

**706.2 Stairs and escalators in existing buildings.** In alterations where an escalator or stair is added where none existed previously, an accessible route shall be provided in accordance with Chapter 11, as amended, Section 1104.4 and 1104.5 of the *International Building Code*.”

**SECTION 27.** Section 18.45.270 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 706.3 of the International Existing Building Code, is amended to read as follows:

**706.3 Dwelling units and sleeping units.** Where Group I-1, I-2, I-3, R-1, R-2, or R-4 dwelling units or sleeping units are being added, the requirements of ~~Section 1107~~ Chapter 11, as amended, of the *International Building Code* for accessible units ~~or Type A units~~ and Chapter 9 of the *International Building Code* for accessible alarms apply only to the quantity of spaces being added.”

**SECTION 28.** Section 18.45.280 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 708.3.1 of the International Existing Building Code, is amended to read as follows:

**708.3.1 Enclosed areas.** All enclosed areas, other than closets, kitchens, basements, garages, hallways, laundry areas, utility areas, storage areas, and bathrooms shall have a minimum of two duplex receptacle outlets and one light fixture. ~~or one duplex receptacle outlet and one ceiling or wall type lighting outlet.”~~

**SECTION 29.** Section 18.45.290 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 708.3.7 of the International Existing Building Code, is amended to read as follows:

**708.3.7 Clearances for equipment.** Clearance for electrical service equipment shall be provided in accordance with the ~~ICC~~ National Electrical Code.”

**SECTION 30.** Section 18.45.300 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 710.1 of the International Existing Building Code, is amended to read as follows:

**710.1 Minimum fixtures.** Where the occupant load of the story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the *International Building Plumbing Code.*”

**SECTION 31.** Section 18.45.310 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 711 of the International Existing Building Code is deleted.”

**SECTION 32.** Section 18.45.320 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 803.2 of the International Existing Building Code, is amended to read as follows:

**803.2 Fire partitions in Group R-3 and fire barrier separations in mixed occupancy uses involving a Group R-3.** Fire separation in Group R-3 occupancies shall be in accordance with Section 803.2.1.”

**SECTION 33.** Section 18.45.330 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 803.2.1 of the International Existing Building Code, is amended to read as follows:

**803.2.1 Separation required.** Where the work area is in any attached dwelling unit in Group R-3 or any multiple single family dwelling (townhouse), walls separating the dwelling-units that are not continuous from the foundation to the underside of the roof sheathing shall be constructed to provide a continuous fire separation using construction materials consistent with the existing wall or complying with the requirements for new structures. All work shall be preformed on the side of the dwelling unit wall that is part of the work area.

**Exception:** Where alterations or repairs do not result in the removal of wall or ceiling finishes exposing the structure, walls are not required to be continuous through concealed floor spaces.

Where the work area is adjacent to a different occupancy group, then separation of the occupancy groups by means of an approved fire barrier shall be in accordance with the *International Building Code*.

**Exceptions:**

1. The required separation between a Group R-3 and an accessory garage for the storage of private or pleasure-type motor vehicles where no repair work is done or fuel dispensed may be built in conformance Section 406.1.4(1), of the *International Building Code*.

2. The required separation between a Group R-3 and a Group B, M or S-2 parking garage of 5,000 square feet (464 m<sup>2</sup>) or less shall be protected with a fire barrier of not less than one-hour fire-resistant construction.”

**SECTION 34.** Section 18.45.340 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 808 of the International Existing Building Code, is deleted.”

**SECTION 35.** Section 18.45.350 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 908.1 of the International Existing Building Code, is amended to read as follows:

**908.1 Special occupancies.** Where the occupancy of an existing building or part of an existing building is changed to one of the following special occupancies as described in the *IEC National Electrical Code*, the electrical wiring and equipment of the building or portion thereof that contains the proposed occupancy shall comply with the applicable requirements of the *IEC National Electrical Code* whether or not a change of occupancy group is involved:

1. Hazardous locations.
2. Commercial garages, repair, and storage.
3. Aircraft hangers.
4. Gasoline dispensing and service stations.
5. Bulk storage plants.
6. Spray application, dipping, and coating processes.
7. Health care facilities.
8. Places of assembly.
9. Theaters, audience areas of motion picture and television studios, and similar locations.
10. Agricultural buildings.”

**SECTION 36.** Section 18.45.360 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 908.2 of the International Existing Building Code, is amended to read as follows:

**908.2 Unsafe conditions.** Where the occupancy of an existing building or part of an existing building is changed, all unsafe conditions shall be corrected



without requiring that all parts of the electrical system be brought up to the current edition of the *ICC National Electrical Code*.”

**SECTION 37.** Section 18.45.370 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 908.3 of the International Existing Building Code, is amended to read as follows:

**908.3 Service upgrade.** Where the occupancy of an existing building or part of an existing building is changed, electrical service shall be upgraded to meet the requirements of the *ICC National Electrical Code* for the new occupancy.”

**SECTION 38.** Section 18.45.380 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 908.4 of the International Existing Building Code, is amended to read as follows:

**908.4 Number of electrical outlets.** Where the occupancy of an existing building or part of an existing building changed, the number of electrical outlets shall comply with the *ICC National Electrical Code* for the new occupancy.”

**SECTION 39.** Section 18.45.390 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 910.1 of the International Existing Building Code, is amended to read as follows:

**910.1 Increased demand.** Where the occupancy of an existing building or part of an existing building is changed such that the new occupancy is subject

to increased or different plumbing fixture requirements or to increased water supply requirements in accordance with the *International Building Plumbing Code* and Title 21 (Plumbing) of the Code of the City of Wichita, the new occupancy shall comply with the intent of the respective *International Plumbing Code* code provisions.”

**SECTION 40.** Section 18.45.400 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 910.2 of the International Existing Building Code, is amended to read as follows:

**910.2 Food handling occupancies.** If the new occupancy is a food handling establishment, all existing sanitary waste lines above the food or drink preparation or storage areas shall be panned or otherwise protected to prevent leaking pipes or condensation on pipes from contaminating food or drink. New drainage lines shall not be installed above such areas and shall be protected in accordance with Title 21 (Plumbing) of the Code of the City of Wichita ~~the International Plumbing Code.~~”

**SECTION 41.** Section 18.45.410 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 910.3 of the International Existing Building Code, is amended to read as follows:

**910.3 Interceptor required.** If the new occupancy will produce grease or oil-laden wastes, interceptors shall be provided as required by the Water & Sewer

Department and installed in accordance with Title 21 (Plumbing) of the Code of the City of Wichita the ~~International Plumbing Code.~~

**SECTION 42.** Section 18.45.420 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 910.5 of the International Existing Building Code, is amended to read as follows:

**910.5 Group I-2.** If the occupancy group is changed to Group I-2, the plumbing system shall comply the applicable requirements of Title 21 (Plumbing) of the Code of the City of Wichita ~~the International Plumbing Code.~~”

**SECTION 43.** Section 18.45.430 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 912.8 of the International Existing Building Code, is to read as follows:

**912.8 Accessibility.** Existing buildings or portions thereof that undergo a change of group or occupancy classification shall have all of the following accessible features:

1. At least one accessible building entrance.
2. At least one accessible route from an accessible building entrance to primary function areas.
3. Signage complying with ~~Section 1110~~ Chapter 11, as amended, of the *International Building Code*.
4. Accessible parking, where parking is provided.

5. At least one accessible passenger loading zone, where loading zones are provided.

6. At least one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.

Where it is technically infeasible to comply with the new construction standards for any of these requirements for a change of group or occupancy, the above items shall conform to the requirements to the maximum extent technically feasible. Change of group or occupancy that incorporate any alterations or additions shall comply with this section and Sections 605.1 and 1005.1 as applicable.

**Exception:** Type B dwelling or sleeping units required by ~~Section 1107~~ Chapter 11, as amended, of the *International Building Code* are not required to be provided in existing buildings and facilities.”

**SECTION 44.** Section 18.45.440 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1001.2 of the International Existing Building Code, is amended to read as follows:

**1001.2 Creation or extension of nonconformity.** An addition shall not create or extend any nonconformity in the existing building to which the addition is being made with regard to accessibility, structural strength, fire safety, means of egress, or the capacity of mechanical, plumbing, or electrical systems.

**Exception:** Area separation walls constructed prior to the adoption of the 2000 International Building Code (April 2, 2002) may be increased in length by

not more than 25 percent of the length of the existing wall, not to exceed thirty feet. The method of construction and fire rating of the additional wall length shall be in general conformance to that of the existing wall. The materials used in the area separation wall construction shall comply with the building construction type, but may be any approved assembly that provides the same level of protection.”

**SECTION 45.** Section 18.45.450 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1002.2 of the International Existing Building Code, is amended to read as follows:

**1002.2 Area limitations.** No addition shall increase the area of an existing building beyond that permitted under the applicable provisions of Chapter 5 of the *International Building Code* for new buildings unless fire separation as required by the *International Building Code* is provided.

**Exceptions:**

1. In-filling of floor openings and nonoccupiable appendages such as elevator and exit stair shafts shall be permitted beyond that permitted by the *International Building Code*.

2. Allowable area expansion rights up to and including an additional 10% (percent) area increase which would have been allowed under the code WHEN the building was constructed, will be permissible without approval from the Superintendent of Central Inspection, subject to the fire area limitations of Sections 1002.3 of this code.”

**SECTION 46.** Section 18.45.460 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1002.3 of the International Existing Building Code, is amended to read as follows:

**1002.3 Fire protection systems.** Existing fire areas increased by the addition shall comply with Chapter 9 of the *International Building Code*.

**Exception:** Buildings constructed prior to the adoption of the 2000 International Building Code (April 2, 2002) may have a nonconforming fire area increase by not more than 25 percent of the fire area limitation, for the occupancy classification, as specified under Section 903.2 of the International Building Code. All additions to the fire area shall be considered as accumulative and subject to the limitations of the construction type.”

**SECTION 47.** Section 18.45.470 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1003.5 of the International Existing Building Code, is amended to read as follows:

**1003.5 Flood hazard areas.** Additions and foundations in flood hazard areas shall comply with ~~the~~ Chapter 27.04 of the Code of the City of Wichita.  
~~following requirements:~~

~~1. For horizontal additions that are structurally interconnected to the existing building:~~

~~1.1. If the addition and all other proposed work, when combined, constitute substantial improvement, the existing building and~~

~~the addition shall comply with Section 1612 of the *International Building Code*.~~

~~1.2. If the addition constitutes substantial improvement, the existing building and the addition shall comply with Section 1612 of the *International Building Code*~~

~~2. For horizontal additions that are not structurally interconnected to the existing building:~~

~~2.1 If the addition and all other proposed work, when combined, constitute substantial improvement, the existing building and the addition shall comply with Section 1612 of the *International Building Code*.~~

~~2.2 If the addition and all other proposed work, when combined, constitute substantial improvement, the existing building and the addition shall comply with Section 1612 of the *International Building Code*.~~

~~3. For vertical additions and all other proposed work that, when combined, constitute substantial improvement, the existing building shall comply with Section 1612 of the *International Building Code*.~~

~~4. For vertical additions and all other proposed work that, when combined, constitute substantial improvement, the existing building shall comply with Section 1612 of the *International Building Code*.~~

~~5. For a new, replacement, raised, or extended foundation, if the foundation work and all other proposed work, when combined,~~

~~constitute substantial improvement, the existing building shall comply with Section 1612 of the *International Building Code*.”~~

**SECTION 48.** Section 18.45.480 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1101.4 of the International Existing Building Code, Code, is to read as follows:

**1101.4 Flood hazard areas.** In flood hazard areas, if all proposed work, including repairs, work required because of a change of occupancy, and alterations, constitutes substantial improvement, then the existing building shall comply with Chapter 27.04 of the Code of the City of Wichita ~~Section 1612 of the *International Building Code*.~~

**Exception:** ~~If a historic building will continue to be a historic building after the proposed work is completed, then the proposed work is not considered a substantial improvement. For the purposes of this exception, a historic building is:~~

- ~~1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places;~~
- ~~2. Determined by the Secretary of the U.S. Department of Interior to be historical significance of a registered historic district or a district preliminarily determined to qualify as a historic district, or~~
- ~~3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.”~~



**SECTION 49.** Section 18.45.490 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1201.2 of the International Existing Building Code, is amended to read as follows:

**1201.2 Conformance.** The building shall be safe for human occupancy as determined by the *International Fire Code* and the *International ~~Property Maintenance~~ Building Code*. Any repair, alteration, or change of occupancy undertaken within the moved structure shall comply with the requirements of this code applicable to the work being performed. Any field-fabricated elements shall comply with the requirements of the *International Building Code* or the *International Residential Code* as applicable.”

**SECTION 50.** Section 18.45.500 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1301.2 of the International Existing Building Code, is amended to read as follows:

**1301.2 Applicability.** Structures existing prior to [~~DATE TO BE INSERTED BY THE JURISDICTION. Note: it is recommended that this date coincide with the effective date of building codes within the jurisdiction~~] April 2, 2002, in which there is work involving additions, alterations, or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapter 4 through 12. The provisions of Section 1301.2.1 through 1301.2.5 shall apply to existing occupancies that will continue to be, or are

proposed to be, in Groups A, B, E, F, M, R, and S. These provisions shall not apply to buildings with occupancies in Group H or Group I.”

**SECTION 51.** Section 18.45.510 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1301.2.5 of the International Existing Building Code, is amended to read as follows:

**1301.2.5 Accessibility requirements.** All portions of the buildings proposed for change of occupancy shall conform to the accessibility provisions of Chapter 11, as amended, of the *International Building Code*.”

**SECTION 52.** Section 18.45.520 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1301.3.2 of the International Existing Building Code, is amended to read as follows:

**1301.3.2 Compliance with other codes.** Buildings that are evaluated in accordance with this section shall comply with the *International Fire Code* ~~and~~ *International Property Maintenance Code*.”

**SECTION 53.** Section 18.45.530 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1301.3.3 of the International Existing Building Code, is amended to read as follows:

**1301.3.3 Compliance with flood hazard provisions.** In flood hazard areas, buildings that are evaluated in accordance with this section shall comply with ~~Section 1612 of the *International Building Code*~~ Chapter 27.04 of the Code

of the City of Wichita if the work covered by this section constitutes substantial improvement.”

**SECTION 54.** Section 18.45.540 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1401.5 of the International Existing Building Code, is amended to read as follows:

**1401.5 Facilities required.** Sanitary facilities for building occupants shall be provided during construction or demolition activities, where occupancy of the structure will still occur. ~~in accordance with the *International Plumbing Code*.~~”

**SECTION 55.** Section 18.45.550 of the Code of the City of Wichita, is hereby created to read as follows:

“Section 1401.6.1 of the International Existing Building Code, is amended to read as follows:

**1401.6.1 Walkways.** A walkway shall be provided for pedestrian travel in front of every construction and demolition site unless the authority having jurisdiction authorizes the sidewalk to be fenced or closed. Walkways shall be of sufficient width to accommodate the pedestrian traffic, but in no case shall they be less than 4 feet (1219 mm) in width. Walkways shall be provided with a durable walking surface. Walkways shall be accessible in accordance with Chapter 11, as amended, of the *International Building Code* and shall be designed to support all imposed loads and in no case shall the design live load be less than 150 psf (7.2 kNm<sup>2</sup>).

**Exception:** The walkway is not required when there is not an existing  
sidewalk or one planned for that location.”

SECTION 56. Chapter 18.44 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 57. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon publication once in the official paper.

PASSED by the governing body of the City of Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf  
Director of Law

**City of Wichita  
City Council Meeting**

**August 21, 2007**

**TO:** Mayor and City Council Members

**SUBJECT:** PUD 2006-02 #24 – Creation of the Wal-Mart at Oliver Planned Unit Development to allow general retail sales. Generally located south of Kellogg Avenue, east of Oliver Avenue. (District III) -- Remand

**INITIATED BY:** Metropolitan Area Planning Department and Law Department

**AGENDA:** Planning, (Non-Consent)

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**Background:** On August 14, 2007, the City Council deferred action on this agenda item until August 21, 2007.

The application area is 12.2 acres located southeast of the Kellogg and Oliver intersection, north of Orme and west of Bleckley. The applicants are seeking Planned Unit Development zoning (PUD-24) to allow re-development of the property for “any commercial use permitted by-right in the LC Limited Commercial district,” excluding certain listed uses. The expected use on the site is a Wal-Mart, however there are not any requirements within the PUD application that require the site to be developed with any particular brand or company.

DAB II and DAB III heard the application and the Wal-Mart representative attended several neighborhood meetings. The MAPC heard the request on November 2, 2006, and voted 12-1 to recommend approval according to requirements contained in the staff report.

City Council heard the matter on December 6, 2006, and deferred action in order to allow the applicants additional time to address a number of issues that did not appear to be fully resolved. City Council again considered the item on January 9, 2007. A letter from the applicants’ representative requested a further deferral and a representative was asked to address the Council on the deferral request. After discussion of the application and the request for deferral, the City Council voted to deny the zoning request (5-2, Nays Gray and Mayans). The applicants appealed the Council’s decision to District Court.

The background material previously provided to the Council and the Court’s Journal Entry were attached to the August 14 Agenda Report and are referenced in this Report. Materials from the applicants and a neighborhood representative were also provided at the August 14 meeting and are attached to this report.

**Analysis:** The District Court heard the appeal from the denial of the application on May 10, 2007. After considering the record on appeal, video of the Council meetings, briefs of the parties, and oral argument, the District Court ruled on June 6, 2007. The Court remanded the case back to the City Council for the Council to provide more information on the factors it considered and the conclusions it came to in making its decision. In the remand, the Court does not preclude the City Council from taking any other action allowed by law and by City ordinance in regard to the matter.

Proposed findings for the denial of the application, as prepared by Staff, are **attached**. These proposed findings are based upon the record presented to Council on December 6, 2006, and January 9, 2007, Council deliberations in these meetings, and suggestions given by individual Council members to Staff. The City Council may take the recommended action to adopt these finding to support the denial; the City Council may also act to modify or adopt alternative findings for the denial, or may take any other action on the application that is consistent with the Unified Zoning Code and state law.

Two letters from Legal Counsel for the Applicants and a letter from a neighborhood proponent dated August 14, 2007 were provided to the Council on August 14, 2007 and are **attached**. The letters inform the Council that the Applicants have entered into option contracts to purchase nine of the homes on Orme Street that would be impacted by the rezoning and that at least 10 of the protest petitions would be withdrawn. They request a deferral of 40 days to allow for contract negotiations to be finalized. Staff has calculated that, even if these referenced protest petitions could be withdrawn, there would still be 21.27% protest (compared to the 44.15% protest at the time of Council denial).

**Goal Impact:** Promote economic vitality and affordable living.

**Legal Considerations:** The City Council needs to adopt findings to support its prior decision or take other action consistent with the Journal Entry of the Court in *Nash Special K's LLC, et al. v. City of Wichita*, 07 CV 416. In regard to whether Protest Petitions can be withdrawn at this time, it is too late for withdrawal of the Protest Petitions or for a change in the number of votes needed for approval of the application. Protest petitions can be withdrawn "at any time prior to the date of the scheduled hearing" of the Council (UZC sec. V-C.10.d). In this case the scheduled hearing was January 9, 2007.

**Recommendations/Action:** Adopt the findings attached to this Report as the basis for the denial of the application.

**Attachments:**

Proposed Findings

Additional correspondence

Maps of protest area

**PUD 2006-02 #24 (Wal-Mart at Oliver Planned Unit Development)**

The Application is DENIED.

This action is based upon the following findings:

1. The zoning, uses and character of the neighborhood. Property neighboring the application area is a mix of zoning; existing uses on neighboring properties are residential, medical offices, retail commercial, and vacant commercial. There are single-family residences facing the application area to the south, which are part of a larger, established residential neighborhood. An elementary school is located southwest of the corner of Orme and Oliver; children are able to walk to school from the neighborhood.

2. The suitability of the subject property for the uses to which it has been restricted. The application area is a mix of zoning; existing uses include residential and vacant, freestanding and strip retail sales and vehicle sales, as well as platted streets. The developed properties could continue to be used as currently developed and the vacant property could be expected to develop as currently zoned. It will become less attractive as residential due to Kellogg expansion and commercial encroachment.

3. The extent to which removal of the restrictions will detrimentally affect nearby property. Approval will increase the extent and scale of commercial activity, especially with respect to increased traffic, building size and hours of operation, which will impact the remaining residential uses and the elementary school. Approval will leave a narrow strip of single-family residential use (along Orme) sandwiched between multi-family use and the large commercial PUD. The traffic impacts to the residences on Orme and to Oliver and on pedestrian and school traffic are particular concerns that have to be carefully scrutinized and addressed. Delivery truck traffic, traffic from retail customers, increased traffic on existing narrow residential streets, the existence of small residential driveways with on-street parking, and the hours of operation of the commercial activity will all detrimentally affect the neighborhood. The traffic accommodations proposed by the applicants address and may reduce many of these concerns but do not solve all the problems, including the increased truck and retail traffic on Orme and the number of vehicles queued in some of the turning lanes on Oliver. The other proposed conditions of approval (e.g., masonry screening, landscape buffering, access controls, and street and intersection improvements) will mitigate some of the other detrimental impacts but still leave the various ancillary impacts of large commercial development on an immediately adjacent residential neighborhood.

4. The relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant. Denial will presumably result in a loss of economic opportunity for the applicants and a loss of convenience and choice for potential patrons of the business or businesses that could be located on the site. Approval of the request will provide a greater number of commercially zoned lots that could increase choice and convenience in the marketplace and for inner city areas. Fairness to the applicants, to the neighborhood, and to the community at large must be considered and balanced. These hardships on the applicants and gains for the community are offset by a greater concern for the detrimental impacts previously stated. Too many questions and concerns of these impacts remain unanswered or unresolved, even after numerous meetings and a previous deferral by Council.

5. The conformance of the requested change to the adopted or recognized comprehensive plan or other plans or policies being utilized by the City or County. The request is in conformance to Land Use Guide as appropriate for “regional commercial” uses, and an arterial street intersection with a freeway is where significant commercial development would be expected to occur. Other policies must be reviewed, however. Commercial Location Guideline #3 provides that any commercial use in proximity to residential development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses. Too many questions remain from the detrimental impacts above to allow us to find that the design features are adequate. With these outstanding concerns, the application is contrary to Comprehensive Plan’s goal of improved quality of life as to the existing residences.

6. Impact of the proposed development on community facilities. Approval will result in an increase in publicly supplied services such as sewer, water, and traffic and may require additional policing in the neighborhood. The public improvement impacts would be addressed by zoning change conditions or replatting to insure that adequate facilities are in place.

7. Opposition or support of neighborhood residents. There is some neighborhood support for the proposed application, as expressed in DAB and neighborhood meetings. These meetings and the MAPC hearing also reflected significant neighborhood opposition. This opposition has resulted in protest petitions from 44.15 % of the notice area and is further illustrated by correspondence and petitions submitted to MAPC and the City Council.

8. A consideration of the recommendations of professional staff. MAPD Staff recommends approval. This approval was based upon a significant number of additional conditions that would have to be met by the applicant, however. This reflects a concern that the original application had a number of problems or deficiencies that were still being worked out at the time of Council consideration and others that would still have to be worked out even after an approval.



AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. ZON2007-00013**

Request for Zone change from "SF-5" Single-family Residential to "TF-3" Two-family Residential, on property described as:

The North half of the East half of Lot 5, Block 18 of Parkwilde Addition, Sedgwick County, Kansas. Generally located west of Florence and south of 2nd Street N (223 N Florence).

**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

**ADOPTED AT WICHITA, KANSAS,** \_\_\_\_\_

\_\_\_\_\_  
Carl Brewer - Mayor

**ATTEST:**

\_\_\_\_\_  
Karen Sublett, City Clerk

(SEAL)

Approved as to form:

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Gary E. Rebenstorf, City Attorney

## EXCERPT OF JULY 19, 2007 MAPC MINUTES

**Case No.: ZON2007-13** – BATC LLC c/o Bob Armstrong (owner), Ruggles & Bohm PA c/o Chris Bohm (agent) Request Zone change from “SF-5” Single-family Residential to “TF-3” Two-family Residential on property described as;

The North half of the East half of Lot 5, Block 18 of Parkwilde Addition, Sedgwick County, Kansas.

Generally located West of Florence and south of 2<sup>nd</sup> Street North (223 N. Florence).

**BACKGROUND:** The application area is a vacant, platted lot located on the west side of N Florence and south of 2<sup>nd</sup> Street N. The .21-acre site is zoned “SF-5”, the applicant requests “TF-3” zoning to develop a duplex.

All property immediately surrounding the site is zoned SF-5 and developed with single-family residences. Southeast of the site is an SF-5 zoned church, TF-3 and MF-18, Multi-family residential zoning exist within the same block as the application area. One duplex exists within this same block, and several additional duplexes exist within a one block radius.

**CASE HISTORY:** The site was subdivided as the North ½ and East ½ of Lot 5, Block 18 of the Parkwilde Addition in 1987.

### **ADJACENT ZONING AND LAND USE:**

NORTH:	“SF-5”	Single-family residential
SOUTH:	“SF-5”	Single-family residential
EAST:	“SF-5”	Single-family residential
WEST:	“SF-5”	Single-family residential, church

**PUBLIC SERVICES:** N Florence is a paved 2-lane arterial with a 60-foot right-of-way at this location. All normal utilities are available at the site.

**CONFORMANCE TO PLANS/POLICIES:** The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies this site as appropriate for “Urban Residential.” The Urban Residential category includes all densities of residential development found within the urban municipality. The Unified Zoning Code (UZY) requires a minimum lot area of 3,000 square feet per residential unit in “TF-3” zoning. The application area is .21 acres or 9,000 square feet, exceeding the UZY size requirement for a duplex.

**RECOMMENDATION:** Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The immediate surrounding properties are zoned “SF-5” and developed with single-family residences. However, the surrounding neighborhood is a mix of residential zoning districts, and a mix of single and two-family residential development.
2. The suitability of the subject property for the uses to which it has been restricted: The site could be developed with a single-family residential use under the current zoning.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request would double the density at which the site could be developed. The affect on nearby residents could be increased traffic. However, single-family residences typically generate more traffic per unit than two-family residences. The minimum standards of the UZC should mitigate any other potential negative affects on the surrounding residential neighbors.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies this site as appropriate for “Urban Residential”. The Urban Residential category includes all densities of residential development found within the urban municipality.
5. Impact of the proposed development on community facilities: Traffic on the existing residential street could increase as a result of the proposed development. This site has access to 2<sup>nd</sup> Street and nearby access to West Street, a classified arterial.

**MOTION:** To approve subject to staff recommendation.

**JOHNSON** moved, **SHERMAN** seconded the motion, and it carried (13-0).

**Adam Calven**

222 N. Florence  
Wichita, KS 67212  
(316) 644-8313

RECEIVED

MAY 30 2007

METROPOLITAN PLANNING  
ROUTE ☐

RECEIVED

MAY 30 '07

CITY CLERK OFFICE

May 29, 2007

Wichita City Council  
Wichita City Hall  
455 N. Main St.  
Wichita, KS 67202-1688

Dir City Council members,

I am writing to ask that the zoning for 223 N. Florence (Case No: ZON2007-13) not be changed to allow a duplex to be put in. Due to the size of the lot, there is no way that a duplex can be built there and still look nice. It will either have to be built turned sideways or squished in like the few duplexes in the 100 block of Florence. I am also afraid that if an ugly looking duplex is squeezed in there my property value will be affected in a negative way since I am directly across the street. I am not opposed to having a single family house built on the lot. In fact, I would be quite happy if a single family house was built there since it would probably have a positive effect on my property value.

I managed to get in contact with 19 of the 28 property owners on the Ownership List that I obtained from the city. Out of the 19 people that I contacted, only one person was in favor of allowing a duplex to be built at 223 N. Florence. That person said they were in favor of any new construction in the neighborhood because they thought that any new construction would help increase their property value. The other 18 people were opposed to having a duplex built in the neighborhood, but none of the 18 said they would be opposed to having a single family house built on the lot. I have obtained signatures and turned in 14 protest petitions. Two other people said they would be mailing their protest petitions in, one person was opposed to allowing a duplex but didn't want to get involved, and one person listed on the Ownership List was deceased but the family members still living at the address were opposed to a duplex going in.

Out of the remaining 9 owners that I didn't contact, 5 are businesses (including the company that is requesting the zoning change which owns an additional property in the area), and 3 owners live out of state. I did however, contact and obtain 5 protest petitions from people who have bought property from Mennonite Housing. Mennonite Housing has started selling their property since the Ownership List was published.

I know that the Metropolitan Area Planning Commission has recommended that the zoning change be approved since there was nobody at the hearing on May 17<sup>th</sup> who opposed it. The reason that nobody opposed the change at the hearing was because Jess McNeely in the planning department swore to me that the time of the hearing on the letter I received was wrong. He said the Metropolitan Area Planning Commission meetings are always at 1:30 in the afternoon and

## Adam Calven

222 N. Florence  
Wichita, KS 67212  
(316) 644-8313

the 9:30 a.m. time on the letter was a typo. I informed my neighbors that the time on the letter was wrong and they needed to show up for the hearing at 1:30 p.m. as Jess McNeely in the planning department had stated. A little before 1:30 I showed up for the hearing only to be informed that the hearing was over. It turns out the hearing was at 9:30 and the time on the letter was not a typo as stated by Mr. McNeely. I'm sure that if we had been given a chance to voice our concerns and show the Planning Commission all the protest petitions collected that they would not have recommended the zoning change be approved.

Please leaving the zoning as is for a single family residence and help keep our neighborhood beautiful and help keep our property values moving in a positive direction. Please do not allow a duplex to be squeezed into the lot causing our property values to go in a negative direction.

Sincerely,

A handwritten signature in black ink that reads "Adam Calven". The signature is written in a cursive, flowing style.

Adam Calven

City of Wichita  
City Council Meeting  
June 19, 2007

**TO:** Mayor and City Council

**SUBJECT:** ZON2007-13 – Zone change from “SF-5” Single-family Residential to “TF-3” Two-family Residential for duplex development; generally located west of Florence and south of 2<sup>nd</sup> Street. (District IV)

**INITIATED BY:** Metropolitan Area Planning Department

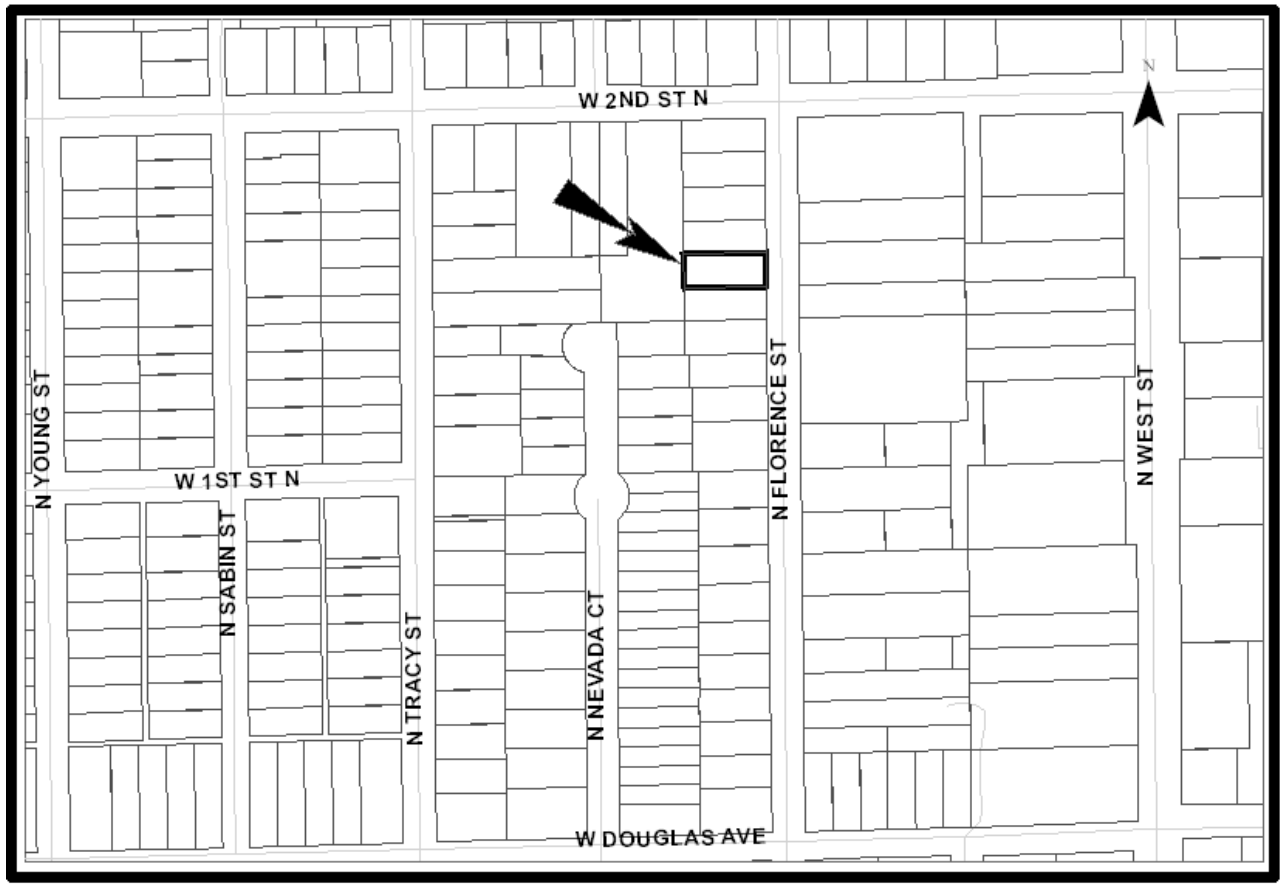
**AGENDA:** Planning (Non-consent)

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**MAPC Recommendations:** Approve, subject to staff recommendations (9-0).

**MAPD Staff Recommendations:** Approve the zone change.

**DAB Recommendations:** DAB IV did not review.



**Background:** The application area is a vacant, platted lot located on the west side of Florence and south of 2<sup>nd</sup> Street. The .21-acre site is zoned “SF-5”, and the applicant requests “TF-3” zoning to develop a duplex.

All property immediately surrounding the site is zoned “SF-5” and developed with single-family residences. Southeast of the site is an “SF-5” zoned church; “TF-3” and “MF-18” Multi-family residential zoning exists within the same block as the application area. One duplex exists within this same block, and several duplexes exist within a one block radius.

**Analysis:** MAPC heard this request on May 17, 2007 and approved (9-0), based on staff recommendations. One residential neighbor contacted MAPD opposed to the request; see the attached letter. Staff recieved 20 protest petitions; 11 are valid protests within the legal protest area, accounting for 61.22% of the protest area. This exceeds 20% of the protest area, requiring City Council to have a three-quarters majority to override the protest and approve the zone change.

**Financial Considerations:** None.

**Goal Impact:** Promote Economic Vitality.

**Legal Considerations:** The ordinance has been reviewed and approved as to form by the Law Department.

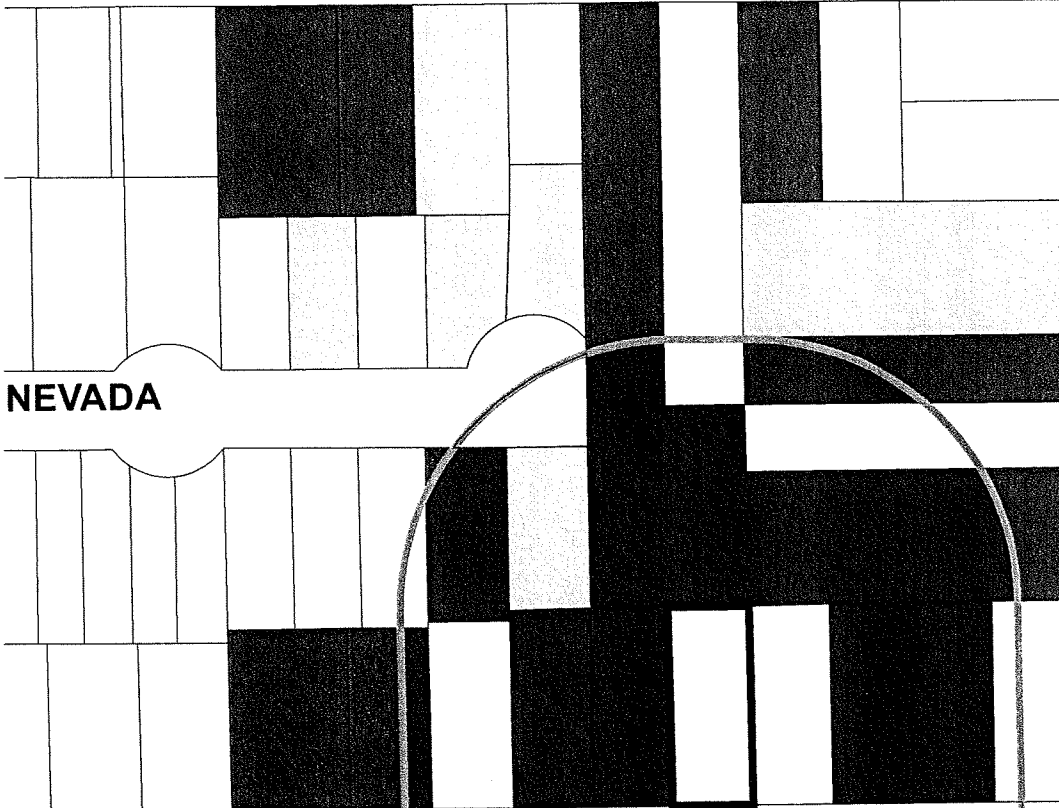
**Recommendation/Actions:**

1. Concur with the findings of the MAPC and approve the first reading of the ordinance establishing the zone change; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing. An override of the 61.22% protest requires a three-fourths majority vote of the City Council.)



TRACY







NEVADA

FLORENCE

NEVADA

2ND

Case ZON2007-00013  
 Total Area 218,442 sq. ft.  
 Application Area 9,064 sq. ft.  
 Street RW 30,850sq. ft.  
 Net Area 178,528 sq. ft.  
 20% of Net Area 35,706 sq. ft.  
 Net Protest Area 109,303 sq. ft.  
 Total % Protesting 61.22%

 CALCULATION AREA  
 PROTEST WITHIN CALCULATION AREA  
 PROTEST OUTSIDE CALCULATION AREA  
 PROTESTS NOT CALCULATED (NON-VALID SIGNATURE)

Published in the Wichita Eagle on \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION III-C.5 OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (APRIL 19, 2001 EDITION), AS ADOPTED BY REFERENCE IN CITY OF WICHITA CODE SEC. 28.04.010 BY ORDINANCE NO. 44-975 AND SECTION III-C.9. AND SECTION V-I.2.O. OF THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE (APRIL 19, 2001 EDITION) AS ADOPTED BY REFERENCE IN CITY OF WICHITA CODE SEC. 28.04.010 BY ORDINANCE NO. 47-347 PERTAINING TO THE RECOMMENDATIONS FROM THE MCCONNELL AIR FORCE BASE JOINT LAND USE STUDY.**

WHEREAS, under the authority of K.S.A. 12-741, *et seq.*, the City of Wichita desires to adopt amendments to the Wichita-Sedgwick County Unified Zoning Code pertaining to the recommendations from the McConnell Air Force Base Joint Land Use Study; and

WHEREAS, the Wichita-Sedgwick County Metropolitan Area Planning Commission recommended adoption of the amendments on July 19, 2007, after notice and hearing as provided by law under the authority granted by K.S.A. 12-741, *et seq.*;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA:

**SECTION 1.** Section III-C.5. of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 44-975, is hereby amended to read as follows:

**5. A-O, Airport Overlay District**

- a. Purpose.** The intent and purpose of the A-O airport overlay district regulations is to specify land use controls in addition to those in underlying zoning district that will ensure a compatible relationship between air force base operations and other land uses in the vicinity. The A-O district standards will protect both the public and the airport by reducing to a minimum, land uses that concentrate large numbers of persons underneath runway takeoff and approach paths, where aircraft accidents are most likely to occur and noise levels are inappropriate for urban-density residential and high intensity nonresidential uses. The area protected falls into both hazard zones and accidental potential zones. In the event of

conflict between the A-O standards of this section and any other regulation applicable to the same property, the more restrictive regulation or standard shall govern and prevail.

- b. **A-O districts established.** The following A-O districts are hereby established:

MAP CODE	DISTRICT NAME
A-O I-N	Airport overlay I-North
A-O II-N	Airport overlay II-North
A-O III-N	Airport overlay III-North
A-O I-S	Airport overlay I-South
A-O II-S	Airport overlay II-South
A-O III-S	Airport overlay III-South

- c. **A-O district boundaries.** For purposes of establishing the A-O districts, the following measurements shall be used.

- (1) **A-O I-N.** The width of airport overlay I-North (A-O I-N) beginning at the ends of the McConnell AFB parallel runways, 19R and 19L, is 3,800 feet. A-O I-N comprises an overlap of two 3,000-foot widths centered upon each of the two parallel run ways' centerlines which are separated by 800 feet on centerline. The length of this district extends northeast from the ends of the parallel runways 3,750 feet. A-O I-N contains three subdistricts as described in Secs. III-C.4.g.(1)(a) and III-C.4.g.(1)(b). It is intended that all buildings in existence in A-O I-N at the time of the adoption of this resolution are in the West Subdistrict.
- (2) **A-O II-N.** Airport overlay II-North (A-O II-N): extends northeast from A-O I-N 4,250 feet in length, and 3,800 feet in width.
- (3) **A-O III-N.** Airport overlay III-North (A-O III-N) extends northeast from A-O II-N 6,000 feet in length, 3,800 feet in width.
- (4) **A-O I-S.** The width of airport overly I-south (A-O I-S) beginning at the ends of the McConnell AFB parallel runways, O1R and O1L, is 3,800 feet. A-O I-S comprises an overlap of two 3,000-foot widths centered upon each of the two parallel runways' centerlines which are separated by 800 feet on centerline. The length of this district extends southwest from the ends of the parallel runways 3,000 feet.

A-O I-S contains three subdistricts as described in Secs. III-C.4.g.(1)(a) and III-C.4.g.(1)(b).

- (5) **A-O II-S.** Airport overlay II-South (A-O II-S): extends southwest from A-O I-S 5,000 feet in length, and 3,800 feet in width.
- (6) **A-O III-S.** Airport overlay III-South (A-O III-S) extends southwest from A-O II-S, 7,000 feet in length, 3,800 feet in width.

- d. **Official map.** The location and boundaries of airport overlay districts northeast and southwest of McConnell Air Force Base shall be shown on the Official Map. In the event of conflicts between the Official Map and these measurements, boundaries established by the map shall control. All notations, dimensions, and designations depicted on the map shall be a part of these regulations. Any changes in the district due to changes in aircraft path patterns and operations will be noted on this map as regulations are amended as provided by law. A copy of the map will be on file at the Metropolitan Area Planning Department.
- e. **Interpretation of district boundaries.** Where property is unplatted or undeveloped, only such portions of that land actually within the boundary lines of any Airport Overlay district shall be considered included therein. Whenever the boundary line of any Airport Overlay district divides a platted lot or a building, that entire lot or building is deemed to be within the overlay district. If a platted lot or building is located within two overlay districts, that entire lot or building is deemed to be within the more restrictive district.
- f. **General regulations.** The following regulations apply to all A-O districts.
  - (1) All regulations of the underlying zone will apply except where specifically modified by this regulation.
  - (2) No lot or tract devoted to retail/wholesale trade, vehicle repair, construction sales and service, manufacturing, personal care/improvement services, or general/medical office uses shall exceed 0.20 FAR.
  - (3) No land area used in a building permit that has maximized the FAR allowed may be used in another building permit.

- (4)** All uses legally established on a parcel or tract prior to August 31, 2007, which do not otherwise meet the special requirements of these overlay districts shall be considered permitted uses under this regulation subject to the following requirements:
- (a)** The reconstruction, relocation, or conversion of any use or building must be for the same use, a use of lesser intensity (as determined by maximum occupancies permitted in the building code), or any use currently permitted by these overlay districts and the underlying zoning district of the parcel or tract. This includes repairing or reconstruction in instances where a building is damaged or destroyed by fire, wind, tornado, flood, or other natural disaster.
  - (b)** In any event when a building or structure is to be replaced, substantially altered, repaired or rebuilt, a building permit must be secured.
  - (c)** The relocation of any use or building within the districts must be to a location on the same lot or tract or on an adjacent lot or tract that is under the same ownership, and shall not be to a more restrictive district or subdistrict. In the event a use or building is relocated, the use of the vacated building, lot or tract shall no longer be considered a permitted use under Sec. III-C.5.f.(4).
  - (d)** Except as provided by Sec III.C.5.f.(4)(e), any use or building may be expanded so long as the total expansion of the use or building:
    - 1)** does not exceed 25 percent of the use or building at the time of adoption of these regulations;
    - 2)** does not violate the height limitations established in the Airport Hazard Zoning Code;
    - 3)** is intended as an accessory use for storage, warehousing, or other similar low occupancy use; and,

- 4) does not result in an expansion into a more restrictive district or subdistrict.

For purposes of this Sec. III-C.5.f.(4)(d) increases in floor areas within an existing building or expansion outside the boundaries of these districts shall not be considered an expansion.

- (e) Existing dwelling units may be expanded without any floor area limitation in accordance with the underlying zoning.
  - (f) The designation of any prior nonconforming use shall not be affected by this Sec. III-C.5.f.(4).
- (5) Administrative offices, engineering offices, computer operations, and similar uses which are accessory to a main use of an industrial or manufacturing nature and are on the same lot or tract or one adjacent to the lot or tract containing the main use shall be considered as part of the industrial or manufacturing use.

**g. Permitted uses.**

**(1) A-O I-N and A-O I-S.**

- (a) **Central Subdistrict.** The following uses shall be permitted by-right in that portion of A-O I-N and A-O I-S designated as the Central Subdistrict, which extends from 350 feet west of the extended centerline of the west AFB runway to 350 feet east of the extended centerline of the east AFB runway:
  - 1) Agriculture, excluding livestock farming/animal breeding, agricultural structures, and retail or wholesale sales permitted by Sec. III.D.6.b.
  - 2) Surface parking lots, outside storage areas, airplane runways and taxiways that are accessory to adjacent uses.
- (b) **East and West Subdistricts.** The following uses shall be permitted in the remaining portions of A-O I-N and A-O I-S, Subdistricts East and West:

- 1) Agriculture, excluding livestock farming/animal breeding, agricultural structures, and retail or wholesale sales permitted by Sec. III.D.6.b.
  - 2) Surface parking lots, outside storage areas, airplane runways and taxiways that are accessory to adjacent uses.
  - 3) All other uses legally established prior to August 31, 2007, subject to the limitations set forth in Sec. III-C.5.f.
- (2) **A-O II-N and A-O II-S.** All uses allowed within the underlying base district shall be similarly allowed in the A-O II-N and A-O II-S districts, except for the following list of prohibited uses:
- (a) Residential uses
  - (b) Hotel or motel or recreational vehicle campground
  - (c) Restaurants, taverns and drinking establishments, sexually oriented businesses, and night clubs
  - (d) Retail food stores with gross floor area exceeding 3,000 square feet
  - (e) Hospitals, convalescent care facility, or funeral home
  - (f) Day Care Centers, correctional placement residences, day reporting centers and group homes
  - (g) Colleges or universities; elementary, middle, and high school, vocational schools, government services, libraries, museums
  - (h) Churches and related facilities
  - (i) Correctional facilities
  - (j) All indoor/outdoor recreation and entertainment, auditorium or stadium, parks and recreation, or community assembly uses that would attract more than 25 spectators and/or participants per acre at any one time

- (3) **A-O III-N and A-O III-S.** All uses allowed within the underlying base district shall be similarly allowed in the A-O III-N and A-O III-S districts, except for the following list of prohibited uses:
- (a) Residential uses with less than 40,000 square feet of lot area per dwelling unit
  - (b) Hotel or motel or recreational vehicle campground
  - (c) Restaurants, taverns and drinking establishments, sexually oriented businesses, and night clubs
  - (d) Retail food stores with gross floor area exceeding 3,000 square feet
  - (e) Hospitals, convalescent care facility, or funeral home
  - (f) Day Care Centers, correctional placement residences, day reporting centers, and group homes
  - (g) Colleges or universities; elementary, middle, and high school, vocational schools, government services, libraries, museums
  - (h) Churches and related facilities
  - (i) Correctional facilities
  - (j) All indoor/outdoor recreation and entertainment, auditorium or stadium, parks and recreation, or community assembly uses that would attract more than 25 spectators and/or participants per acre at any one time

**SECTION 2.** Section III-C.9. of the Wichita-Sedgwick County Unified Zoning Code as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 47-347, is hereby amended to read as follows:

**9. AFBP-O, Air Force Base Protection Overlay District**

- a. **Purpose.** The AFBP-O air force base protection overlay district is intended to provide protection to McConnell Air Force Base through site development regulations for properties adjacent to the air force base that limit the risk of terrorist activities from threatening the air force base and its personnel.



- b. **Official map.** The location and boundaries of the AFBP-O air force base protection overlay district shall be shown on the Official Map. All notations, dimensions, and designations depicted on the Official Map shall be a part of these regulations.
- c. **Property development standards.** All structures within the AFBP-O air force base protection overlay district shall be limited to a maximum height of 25 feet.
- d. **Nonconformities.** All structures legally established on a property within the AFBP-O air force base protection overlay district prior to the effective date of this regulation shall be considered permitted uses under this overlay district and may be replaced, substantially altered, repaired or rebuilt to a height not exceeding the existing structure height.
- e. **Zoning Adjustments.** The Planning Director, with the concurrence of the Zoning Administrator, shall have the authority to approve a zoning adjustment to the property development standards of the AFBP-O air force base protection overlay district as specified in Section V-I.2.o.

**SECTION 3.** Section V-I.2.o. of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in Code Sec. 28.04.010 by Ordinance No. 47-347, is hereby amended to read as follows:

- o. Increasing maximum height permitted by the property development standards of the AFBP-O air force base protection overlay district, but in no event shall an adjustment be granted that permits a structure height in excess of the height permitted by the underlying zoning district. In addition to the Zoning Adjustment Criteria contained in Sec. V-I.6., the following criteria shall be used to evaluate adjustment requests: a line-of-sight analysis shall demonstrate that the proposed structure height does not provide a view of any portion of the air force base for a person located at any point on the structure that exceeds the height permitted by this overlay district given existing topography and the location and height of existing structures and/or vegetation.

**SECTION 4.** This ordinance shall be included in the Code of the City of Wichita and shall be effective upon its adoption and publication once in the official City newspaper.

**PASSED AND ADOPTED** by the governing body at Wichita, Kansas,  
this\_\_\_\_day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Carl Brewer, Mayor

**ATTEST:**

\_\_\_\_\_  
Karen Sublett, City Clerk

(SEAL)

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, City Attorney

**Section III-C.9.**

**9. ~~AT/FP-O, Anti-Terrorism/Force~~ AFBP-O, Air Force Base  
Protection Overlay District**

- a. **Purpose.** The ~~AT/FP-O anti-terrorism/force~~ AFBP-O air force base protection overlay district is intended to provide protection to McConnell Air Force Base through site development regulations for properties adjacent to the air force base that limit the risk of terrorist activities from threatening the air force base and its personnel.
- b. **Official map.** The location and boundaries of the ~~AT/FP-O anti-terrorism/force~~ AFBP-O air force base protection overlay district shall be shown on the Official Map. All notations, dimensions, and designations depicted on the Official Map shall be a part of these regulations. ~~Whenever the boundary line of the AT/FP-O anti-terrorism/force protection overlay district divides a property, the entire property is deemed to be within the overlay district.~~
- c. **Property development standards.** All structures within the ~~AT/FP-O anti-terrorism/force~~ AFBP-O air force base protection overlay district shall be limited to a maximum height of 25 feet.
- d. **Nonconformities.** All structures legally established on a property within the ~~AT/FP-O anti-terrorism/force~~ AFBP-O air force base protection overlay district prior to the effective date of this regulation shall be considered permitted uses under this overlay district and may be replaced, substantially altered, repaired or rebuilt to a height not exceeding the existing structure height.
- e. **Zoning Adjustments.** The Planning Director, with the concurrence of the Zoning Administrator, shall have the authority to approve a zoning adjustment to the property development standards of the ~~AT/FP-O anti-terrorism/force~~ AFBP-O air force base protection overlay district as specified in Section V-I.2.o.

**Section V-I.2.o.**

- o. Increasing maximum height permitted by the property development standards of the ~~AT/FP-O anti-terrorism/force~~ AFBP-O air force base protection overlay district, but in no event shall an adjustment be granted that permits a structure height in excess of the height permitted by the underlying zoning district. In addition to the Zoning Adjustment Criteria contained in Sec. V-I.6., the

following criteria shall be used to evaluate adjustment requests: a line-of-sight analysis shall demonstrate that the proposed structure height does not provide a view of any portion of the air force base for a person located at any point on the structure that exceeds the height permitted by this overlay district given existing topography and the location and height of existing structures and/or vegetation.

**DR2005-21: Proposed Amendments to the Unified Zoning Code Pertaining to McConnell Air Force Base Airport Overlay Districts and Anti-Terrorism/Force Protection Overlay District**

**District Advisory Boards Recommendations  
August 2007**

The following is a summary of Board comment on this item.

**DAB II:** The Board approved the amendments as recommended by staff 8:0. **Date of Action:** August 6, 2007.

**DAB III:** The Board approved the amendments to move forward to MAPC and City Council as recommended by staff 7:0. **Date of Action: August 1, 2007.**

**Minutes Excerpt**  
**Metropolitan Area Planning Commission**  
**July 19, 2007**

**DR2005-21:** Public Hearing to Consider Amendments to the AOD, Airport Overlay Districts and the AT/FP-O, Anti-Terrorism/Force Protection Overlay District

**MCKAY** indicted that he would move to the audience and would not be participating as a commissioner since he owned property within the affected area; however, he reserve the right to speak at the hearing as an affected property owner.

**SCOTT KNEBEL** Planning staff presented the following staff report:

**Background:** In November 2006, the Sedgwick County Commission and Wichita City Council directed staff of the Wichita-Sedgwick County Metropolitan Area Planning Department to proceed with a number of zoning code text and zoning map amendments in order to implement the recommendations of the Implementation Coordination Committee for the *McConnell Air Force Base Joint Land Use Study, May 2005* (JLUS).

One of the initiated zoning code text amendments is to amend the AOD, Airport Overlay Districts to be more consistent with Federal Land Use Compatibility Guidelines (LUCG), which list compatibility of uses with McConnell Air Force Base (AFB) based on proximity to flight paths and noise contours. The proposed amendments do not entirely prohibit all the uses discouraged by the LUCG. Rather, many uses would be limited in their intensity through a limitation on floor area ratio. The proposed amendments would prohibit parking, aviation-related facilities, storage uses, cemeteries and certain agricultural uses in AOD I; residential uses in AOD II; and funeral homes and government services in AOD II and III. The density of residential uses would be further restricted in AOD III, and the intensity of auditoriums, stadiums, recreation, and community assembly uses would be limited in AOD II and III. The amendments further clarify that existing uses can continue, be rebuilt, and changed to a similar use. The proposed amendments to the AOD are shown in detail in an attach document. An attached map shows the boundaries of the AOD.

On June 5, 2007, when the City Council approved the zoning of properties near the AFB to the AT/FP-O, Anti-Terrorism/Force Protection Overlay District, the issue of a negative connotation being generated by the name of the overlay district was discussed. As a result, the City Council initiated a zoning code text amendment to change the name of the overlay district to the AFBP-O, Air Force Base Protection Overlay District. The proposed amendments to the AT/FP-O are shown in detail in an attached document.

A notice of the July 19, 2007, public hearing before the Wichita-Sedgwick County Metropolitan Area Planning Commission (MAPC) on the proposed zoning code text amendments was published in *The Derby Reporter* and *The Wichita Eagle* on June 28, 2007. Additionally, although it is not statutorily-required, a notice of the hearing was mailed to the over 1,200 property owners within the AOD. These property owners were

invited to an open house hosted by staff on July 9, 2007, in order to answer their questions regarding how the proposed amendments affect their specific property. The open house was attended by 36 property owners, and no significant opposition to the proposed amendments was expressed at the meeting. The proposed amendments will be considered by District Advisory Board III on August 1, 2007, and District Advisory Board II on August 6, 2007.

**Recommended Action:** Based on information available prior to the public hearing, staff recommends that the proposed zoning code text amendments be **APPROVED**. This recommendation is based on the following findings:

1. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon property owners: The proposed amendments will further the health, safety, and welfare of the public by providing regulations that increase the compatibility of private land development with Air Force Base operations. While the proposed amendments have use regulations and development standards that are more restrictive than existing regulations, the proposed amendments provide sufficient development opportunities to preserve private property values, do not create a hardship for property owners, and strike a reasonable balance between the use of private property and the preservation of the public health, safety, and welfare.
2. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The proposed amendments are consistent with the recommendations of the *McConnell Air Force Base Joint Land Use Study, May 2005* (JLUS). The JLUS recommends revising current regulatory requirements to minimize potential safety conflicts, as recommended by the Federal Land Use Compatibility Guidelines. The proposed amendments further this objective.

**GISICK** asked about the AT/FP-O name change and why wouldn't that be considered at this time. He said he owned a real estate company and a big concern he had was trying to sell properties in a designated terrorism area.

**KNEBEL** said staff was recommending the name change today.

**MITCHELL** referenced Page 1, item C. and asked for clarification of the location of the "West Subdistrict."

**KNEBEL** indicated that the subdistricts were created in recognition of existing uses, especially at Cessna.

**TOM WEDMAN, 2 NW 92 ROAD, P.O. Box 325, HARPER, KANSAS** said he had purchased property south of the airport 25 years ago for his cattle operation and as an investment. He said each time the area has been rezoned it has been detrimental to the value of his property. He commented that in the past when the B-1 Bombers flew overhead, it frightened the cattle into breaking down the fence which resulted in the City

of Derby imposing a \$75.00 fine per animal. He said he currently farms the area. He said this zoning would greatly decrease the value of his property. He suggested the City or Air Force buy his property, although he said he understood that wasn't going to happen. He concluded by saying that he did not think this zoning change was fair.

**RICK PUTTMAN, 551 SAINT ANDREWS**, said he represented the Janice Putnam Trust who owns the golf park on East Harry. He referenced page 3, the term "similar use". He commented that they have been adversely affected by this zoning. He said the property is currently for sale. He also mentioned removal of "recreational facilities" referenced on page 6. He said he understood that there would be some "grand fathering", but he asked about the ability to expand the current facilities.

**BISHOP** out at 4:15 p.m.

**KNEBEL** explained that currently the "grand fathering" provisions state that the building must be for the same use, similar use or use of lesser intensity. He said staff is recommending that the term "similar use" be replaced with the wording "any use currently permitted by the overlay or underlying zoning districts". He said regarding "recreation", the proposed wording would change from "all indoor/outdoor entertainment and/or recreational facilities" to "recreation and entertainment" which has a specific definition in the zoning code.

**MOTION:** To approve subject to staff recommendation.

**ANDERSON** moved, **HILLMAN** seconded the motion, and it carried (10-0).

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**City of Wichita  
City Council Meeting  
August 21, 2007**

**TO:** Mayor and City Council Members

**SUBJECT:** DR2005-21: Proposed Amendments to the Unified Zoning Code Pertaining to McConnell Air Force Base Airport Overlay Districts and Anti-Terrorism/Force Protection Overlay District (Districts II and III)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA:** Planning (Non-Consent)

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**Recommendation:** Adopt the proposed amendments to the Unified Zoning Code.

**Background:** In November 2006, the Wichita City Council directed staff of the Wichita-Sedgwick County Metropolitan Area Planning Department to proceed with a number of zoning code text and zoning map amendments in order to implement the recommendations of the Implementation Coordination Committee for the *McConnell Air Force Base Joint Land Use Study, May 2005* (JLUS). One of the initiated zoning code text amendments is to amend the AOD, Airport Overlay Districts to be more consistent with Federal Land Use Compatibility Guidelines (LUCG), which list compatibility of uses with McConnell Air Force Base (AFB) based on proximity to flight paths and noise contours.

Additionally, on June 5, 2007, when the City Council approved the zoning of properties near the AFB to the AT/FP-O, Anti-Terrorism/Force Protection Overlay District, the issue of a negative connotation being generated by the name of the overlay district was discussed. As a result, the City Council initiated a zoning code text amendment to change the name of the overlay district to the AFBP-O, Air Force Base Protection Overlay District.

**Analysis:** The proposed amendments to the AOD do not entirely prohibit all the uses discouraged by the LUCG. Rather, many uses would be limited in their intensity through a limitation on floor area ratio. The proposed amendments would prohibit parking, aviation-related facilities, storage uses, cemeteries and certain agricultural uses in AOD I; residential uses in AOD II; and funeral homes and government services in AOD II and III. The density of residential uses would be further restricted in AOD III, and the intensity of auditoriums, stadiums, recreation, and community assembly uses would be limited in AOD II and III. The amendments further clarify that existing uses can continue, be rebuilt, and changed to other permitted uses. The proposed amendments to the AOD are shown in detail in an attached document. An attached map shows the boundaries of the AOD. The proposed amendments to change the name of the AT/FP-O to the AFBP-O, Air Force Base Protection Overlay District also are shown in detail in an attached document.

Although it is not statutorily-required, a written notice of the proposed amendments was mailed to the over 1,200 property owners within the AOD. These property owners were invited to an open house hosted by staff on July 9, 2007, in order to answer their questions regarding how the proposed amendments affect their specific property. The open house was attended by 36 property owners, and no significant opposition to the proposed amendments was expressed at the meeting. Staff has discussed the

proposed amendments with another 75 or so property owners on the phone or by e-mail, with no significant opposition expressed by these citizens either.

On July 19, 2007, the Metropolitan Area Planning Commission (MAPC) held a public hearing to consider the proposed amendments. Two citizens spoke at the public hearing in opposition to the proposed amendments and indicated that the proposed amendments would negatively affect the value of their property. The minutes of the MAPC public hearing are attached. The MAPC voted unanimously (10-0) to recommend approval of the proposed amendments.

District Advisory Board III considered the proposed amendments at their meeting on August 1, 2007, and District Advisory Board II considered the proposed amendments at their meeting on August 6, 2007. Both District Advisory Boards recommend approval of the proposed amendments. A summary of each DAB meeting is attached.

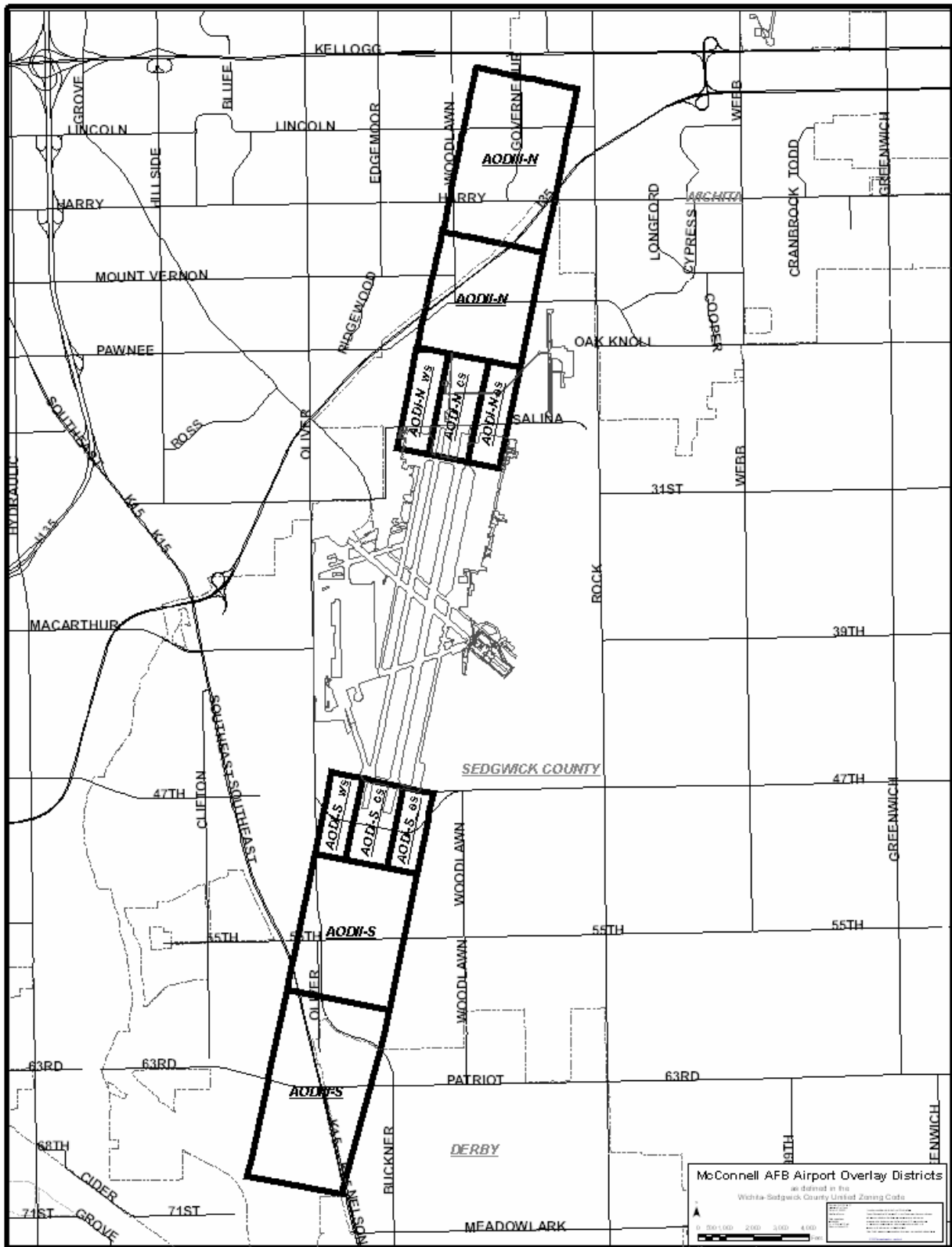
**Financial Considerations:** None.

**Goal Impact:** The proposed amendments address the Safe and Secure Community Goal by establishing zoning restrictions that limit property uses in those areas of the City that are most prone to military aircraft accidents. The proposed amendments address the Economic Vitality and Affordable Living Goal by establishing reasonable growth management policies that help balance future operations at McConnell with the growth needs of the City.

**Legal Considerations:** The ordinance has been reviewed and approved as to form by the Law Department. The Unified Zoning Code provides two alternatives to the recommended action:

1. Return the proposed amendments to the MAPC with a statement specifying the basis for the City Council's failure to approve or disapprove, or
2. Deny the proposed amendments and override the MAPC recommendation with a 2/3 vote.

**Recommendations/Actions:** Adopt the proposed amendments to the Wichita-Sedgwick County Unified Zoning Code and approve first reading of the ordinance.



**City of Wichita**  
**City Council Meeting**  
August 21, 2007

**TO:** Mayor and City Council Members

**SUBJECT:** A07-15R Request by Jay Russell, of R&R Realty, to annex land generally located northeast of the intersection of K-96 and Ridge Road.  
(island annexation; District VI)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA:** Planning (Consent)

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**Recommendation:** Initiate the annexation process and adopt the resolution.

**Background:** The City has received a request to annex 34.44 acres of land generally located northeast of the intersection of K-96 and Ridge Road. The subject property does not abut the City of Wichita, and therefore is an island annexation request. The property owner anticipates that the proposed property will be developed with 250,000 square feet of office or commercial development over the next ten years.

**Analysis:**

**Land Use and Zoning:** The proposed annexation consists of approximately 34.44 acres of property currently zoned "SF-20" Single-Family Residential. On November 15, 2006, the Sedgwick County Commission approved a North Forty-Fifth Place Community Unit Plan and a zone change request to "LC" Limited Commercial subject to platting the entire property within one year. However, a plat has not yet been submitted; therefore, upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential until such time a plat is approved. Property directly to the north, east, south and west is zoned "SF-20" Single-Family Residential. Property to the south and east is primarily undeveloped, while property to the north and west is partially developed with a few scattered single-family homes.

**Public Services:** There is a 20" water main in Ridge Road coming from the south and ending at the south right-of-way line of K-96. The closest sewer main is an 18" sewer main in 37th Street North, at the mid-mile between Ridge Road and Hoover Road.

**Street System:** The subject property borders K-96 to the south, which is a four-lane expressway. The subject property also borders 45th Street to the north, which is a dirt road. The Sedgwick County Capital Improvement Program 2006-2010 and the 2006 Transportation Improvement Program have scheduled Ridge Road to be widened, between 53rd Street and K-96, which is west of the subject property. The City of Wichita Capital Improvement Program (CIP) 2005-2014 does not call for improvements near the proposed annexation site.

**Public Safety:** Fire services to this site can be provided by the City of Wichita within an eight (8) to nine (9) minute approximate response time from City Station No. 13, located at 3162 West 42nd Street North. Upon annexation, police protection will be provided to the area by the Patrol North Bureau of the Wichita Police Department, headquartered at 3015 East 21st Street North.

**Parks:** The Brooks Tract Park, a 272-acre park located 3/4 mile east of the subject property, has been proposed as a regional park. The North Ridge Village Addition Reserve D, a 17-acre park located 1/2 mile southwest of the subject property, is undeveloped and functions as habitat for the Eastern Spotted Skunk. In addition, the Sedgwick County Zoo and Park is located approximately 2 1/2 miles south of the subject property.

**School District:** The annexation property is part of the Unified School District 266 (Maize School District). Annexation will not change the school district.

**Comprehensive Plan:** The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area, as shown in the Plan.

**Financial Considerations:** The current approximate appraised value of the proposed annexation lands, according to County records, is \$2,010 with a total assessed value of \$603. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$19 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the property owner is anticipating that 250,000 square feet of office or commercial property will be developed within the next ten years. The total appraised value of this development after completion is estimated at \$30,000,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$235,545 in City annual tax revenues.

**Goal Impact:** Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

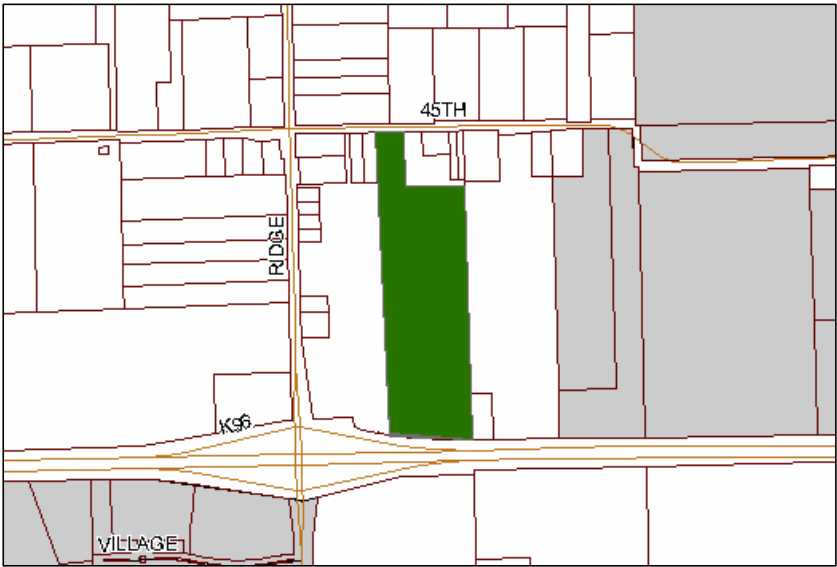
**Legal Considerations:** If the City wishes to act upon an annexation request from a property owner for land not adjoining the City, K.S.A. 12-520c requires the adoption of a resolution by the City Council requesting the Sedgwick County Board of County Commissioners to make a finding that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other city located within the county. The City Clerk must file a certified copy of the resolution with the Board of County Commissioners. Within 30 days of such filing, the Board of County Commissioners must make their finding. If the finding is favorable to the City, then the City Council can proceed to give first reading of an ordinance annexing the requested property into the City of Wichita.

**Recommendations/Actions:** Initiate the annexation process and adopt the resolution.

An ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto.

General Location: Land generally located northeast of the intersection at K-96 and Ridge Road.

Address:		Reason(s) for Annexation:	
34.44	Area in Acres		Request
0	Existing population (est.)		Unilateral
0	Existing dwelling units	X	Island
0	Existing industrial/commercial units		Other:
Existing zoning: "SF-20" Single-Family Residential			



A RESOLUTION OF THE CITY OF WICHITA, KANSAS REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS TO MAKE CERTAIN FINDINGS REGARDING THE ANNEXATION OF PROPERTY.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. The governing body of the City of Wichita, Kansas hereby finds that a request for annexation of the following described land has been presented to it by the following property owners.

The E ½ of the SW ¼ of the NW ¼ and the E ½ of Government Lot 4, in the NW ¼ of Section 27, Township 26 South, Range 1 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas, EXCEPT a tract of land described as beginning at a point in the North line of said Section and 867.8 feet East of the Northwest corner of said Section 27; thence south parallel with the East line of the SW ¼ of the NW ¼ of said Section 27, a distance of 452.0 feet; thence East parallel with the North line of said Section 27, a distance of 458 feet to a point in the East line of the NW ¼, NW ¼ of said Section 27; thence North along the East line of the NW ¼ of the NW ¼ of said Section 27, to the Northeast Corner of said NW ¼ of the NW ¼ of said Section 27; thence West to the point of beginning; and EXCEPT a tract of land in the E ½ of the SW ¼ of the NW ¼ of said Section 27, described as follows: Beginning at the Southeast corner of said SW ¼ of the NW ¼; thence North along the East line of said E ½ of the SW ¼ of the NW ¼, 237.7 feet; said East line having a bearing of North 0 degrees 24 minutes West; thence South 89 degrees 46 minutes West, 19.4 feet; thence North 85 degrees 28 minutes West, 301.0 feet; thence North 78 degrees 55 minutes West to a point on the West line 293.1 feet North of the Southwest corner of said E ½ of the SW ¼ of the NW ¼ Section; thence South 0 degrees 27 minutes East, 293.1 feet to the South line of said Quarter section; thence North 89 degrees 58 minutes East along said South line to the place of beginning; AND EXCEPT for that part designated as 45<sup>th</sup> Street North road right-of-way.

Property Address - Land generally located northeast of the intersection of K-96 and Ridge Road.

Property Key Number - PK 002120010

Property Owner - Jay Russell, with R&R Realty, LLC

The governing body further finds that the above-described properties do not adjoin land within the boundaries of the City of Wichita. The governing body further finds that such annexation, at the request of the property owner, is advisable, desirable, and beneficial and in the interest of the public.

SECTION 2. The City of Wichita, Kansas hereby respectfully requests that the Board of County Commissioners of Sedgwick County, Kansas find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Sedgwick County, Kansas all as provided in K.S.A. 12-520c.

ADOPTED AND APPROVED by the Governing Body of the City of Wichita, THIS 21st of August, 2007.

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Carl Brewer, Mayor

ATTEST:

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Karen Sublett, City Clerk

Approved as to Form:

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Gary E. Rebenstorf, Director of Law



Published in The Wichita Eagle on \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. ZON 2007-07**

Request for Zone change from "SF-5" Single-Family Residential District to "GO" General Office District, for property described as:

Lot 1, Block A, Kansas State Bank Addition, Wichita, Sedgwick County, Kansas.

Generally located east of Maize Road and north of Kellogg.

**SECTION 2.** That upon the taking effect of this ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

**ATTEST:**

\_\_\_\_\_  
Carl Brewer, Mayor

\_\_\_\_\_  
Karen Sublett, City Clerk

(SEAL)

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, City Attorney

### **DRAINAGE AGREEMENT**

THIS AGREEMENT made this 30<sup>th</sup> day of July, 2007, by and between Coleman Ventures, L.L.C., a Kansas Limited Liability Company, hereinafter referred to as the Grantors, and Key South Limited Liability Company, a Kansas Limited Liability Company, hereinafter referred to as the Grantee.

WHEREAS, Grantors are owners of the following described real estate, hereinafter Tract "A":

A tract in the SW ¼ of Sec. 29, Twp. 27-S, R-1-W of the 6<sup>th</sup> P.M., Sedgwick County, Kansas described as commencing at the intersection of a line 560 feet east of and parallel with the west line of said SW ¼ with the northerly right-of-way line of US Highway 54 as established in Condemnation Case No. A-38302; thence north, parallel with the west line of said SW ¼, 415 feet for a place of beginning; thence east, parallel with the south line of said SW ¼, 855.8 feet; thence north with a deflection angle to the left of 89°44', 850.3 feet; thence west with a deflection angle to the left of 90°28'30", 347 feet; thence north, with a deflection angle to the right of 90°, 521 feet more or less to the south line of the north 20 Acres of the W ½ of said SW ¼; thence west, along the south line of said north 20 Acres to a point 270 feet east of the west line of said SW ¼ and being the N.E. Corner of the plat of Verda Vista, Sedgwick County, Kansas; thence south, parallel with the west line of said SW ¼ and along the east line of said Verda Vista, 1350 feet to the S.E. Corner of Lot 13 in said Verda Vista; thence east, along the extended south line of said Lot 13, 290 feet to a point 560 feet east of the west line of said SW ¼; thence south, parallel with the west line of said SW ¼, 21.17 feet more or less to the point of beginning, except the north 350 feet thereof and except that part deeded for Highway purposes on Film 2144 at Page 1847, and together with an easement for ingress and egress to and from US Highway 54 as described in Deed Book 1318 at Page 26 and on Film 2152 at Page 1586, and,

WHEREAS, Grantee is the owner of the following described real estate, hereinafter Tract "B":

**KANSAS STATE BANK ADDITION**  
Lot 1, Block A

(Sub 2007-43)

WHEREAS, Tract "A" and Tract "B" are contiguous to and lie directly adjacent to each other, and

WHEREAS, the Grantor hereby acknowledges that there is existing storm water runoff from the Tract "B" that presently drains on, over, across, and through Tract "A", and

WHEREAS, the Grantee is requesting this Drainage Agreement to satisfy one of the platting requirements of the Wichita/Sedgwick County Metropolitan Area Planning Commission for the approval of Kansas State Bank Addition, Wichita, Sedgwick County, Kansas; and

WHEREAS, the Grantee desires to secure a drainage agreement with the Grantor, to allow the storm water runoff from said Tract "B", to continue to flow on, over, across, and through Tract "A" in a controlled manner, per the drainage plan as approved by and on file with the City of Wichita Engineer.

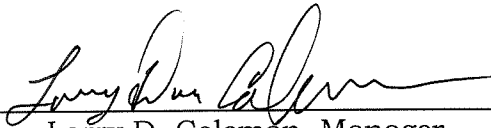
NOW THEREFORE, in mutual consideration of the premises and other good and valuable consideration received or to be received, Grantor and Grantee hereby agree as follows:

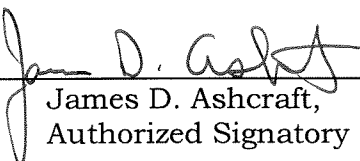
1. That said storm water runoff from said Tract "B" shall continue to flow on, over, across, and through Tract "A" per the drainage plan as approved and on file with the City of Wichita.
2. Grantor acknowledges and accepts the amount of surface drainage from the adjacent Grantee's property per the drainage plans as approved by the City of Wichita.
3. Upon site development of Tract "A", Grantee agrees to participate in a future storm sewer project that would extend storm sewer to the southeast corner of Tract "B", in an effort to eliminate said storm water runoff from Tract "B" onto Tract "A". Grantee and Grantor further agree that the Grantee's participation cost in said storm sewer project shall be determined based on the site development plans on Tract "A" and shall not exceed a maximum cost of Ten Thousand Dollars (\$10,000).

This covenant shall be binding on the Grantor, the Grantee, their successors, or assigns and is a covenant running with the land and is binding on all successors in title to Tract "A" and Tract "B".

Coleman Ventures, L.L.C.

Key South Limited Liability Company

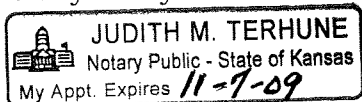
By:   
Larry D. Coleman, Manager

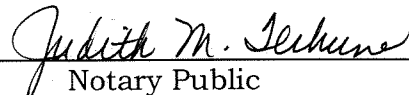
By:   
James D. Ashcraft,  
Authorized Signatory

STATE OF KANSAS                    )  
COUNTY OF SEDGWICK        ) SS:

BE IT REMEMBERED, that on this 30<sup>th</sup> day of July, 2007, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Larry D. Coleman, as Manager of Coleman Ventures, L.L.C., a Kansas Limited Liability Company, personally known to me to be the same person(s) who executed the within instrument of writing and such person(s) duly acknowledged the execution of the same, for and on behalf and as the act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.



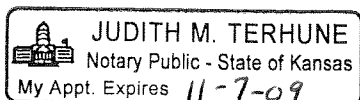
  
Notary Public


(My Commission Expires: 11-7-09)

STATE OF KANSAS                    )  
COUNTY OF SEDGWICK        ) SS:

BE IT REMEMBERED, that on this 24<sup>th</sup> day of July, 2007, before me, the undersigned, a Notary Public in and for the State and County aforesaid, came James D. Ashcraft, as Authorized Signatory of Key South Limited Liability Company, a Kansas limited liability company, to me personally known to be the person who executed the foregoing instrument, and duly acknowledged the execution of the same, for and on behalf, and as the act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.



  
Notary Public

My Appointment Expires: 11-7-09

**RESTRICTIVE COVENANT**  
**FOR FUTURE CROSS CIRCULATION AGREEMENT**

THIS RESTRICTIVE COVENANT made this 24<sup>th</sup> day of July, 2007, by Key South Limited Liability Company, a Kansas limited liability company, hereinafter called "Declarant",

WITNESSETH

WHEREAS, Declarant is the owner of the following described property, to-wit:

**KANSAS STATE BANK ADDITION**

Lot 1, Block A

WHEREAS, the plat of the aforesaid Kansas State Bank Addition contains provisions for access control along Maize Road, as recommended by the City of Wichita Engineering Department, and

WHEREAS, as a platting requirement of the Wichita/Sedgwick County Planning Commission, the Declarant hereby agrees to execute, in the future, a cross circulation agreement, for the benefit of said Lot 1, Block A, Kansas State Bank Addition and the property immediately adjacent to the north, as provided for herein.

NOW, THEREFORE, Declarant hereby declares the following:

1. The Declarant acknowledges its willingness to enter into a cross circulation agreement creating access rights with the owner of the property immediately adjacent to the north ("Adjacent Property") of Lot 1, Block A, Kansas State Bank Addition at some future date if said adjacent property is developed for non-residential use and the owner of said Adjacent Property desires to enter into a cross circulation agreement.
2. The Declarant hereby acknowledges its willingness to grant a circulation agreement over the north property line of said Kansas State Bank Addition, with the exact location to be determined at the time of formalizing the agreement. (Sub 2007-43)

Any cross circulation agreement entered into shall contain provisions regarding the allocation of the costs of constructing the initial joint access drive, modifications to such drive or parking lot (if already constructed), and maintenance costs.

This restrictive covenant shall be binding on the Declarant, its successors or assigns and is a covenant running with the land and is binding on all successors in title for the above described real property located in Sedgwick County, Kansas.

Key South Limited Liability Company

By: James D. Ashcraft  
James D. Ashcraft,  
Authorized Signatory

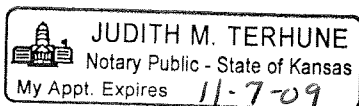
STATE OF KANSAS                     )  
  ) SS:  
COUNTY OF SEDGWICK            )

BE IT REMEMBERED, that on this 24<sup>th</sup> day of July, 2007, before me, the undersigned, a Notary Public in and for the State and County aforesaid, came James D. Ashcraft as Authorized Signatory of Key South Limited Liability Company, a Kansas limited liability company, to me personally known to be the person who executed the foregoing instrument, and duly acknowledged the execution of the same, for and on behalf, and as the act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

Judith M. Terhune  
Notary Public

My Appointment Expires: 11-7-09



**DRIVE APPROACH CLOSURE CERTIFICATE**

Sedgwick County                    )  
  )       SS  
State of Kansas                    )

Key South Limited Liability Company, a Kansas Limited Liability Company, owner(s) of that certain real property to be known as Kansas State Bank Addition, Wichita, Sedgwick County, Kansas, is in the process of platting said property, and does hereby acknowledge that in accordance with the requirements of the platting process as set forth by the City of Wichita, any existing drive approaches on Maize Road in excess of the two allowed per said platting requirements shall be closed.

This is to place on notice the owner(s) of the above-described property and subsequent owners thereof that, as a result of the above-cited platting requirements, said owner and subsequent owners thereof are responsible for seeing that such drive approach or approaches are removed and closed per City of Wichita specifications for such work, and that sufficient guaranty of such closure(s), in a form acceptable to the City of Wichita (e.g. – bond, cash, letter of credit, etc.) and/or acknowledgement that the City of Wichita may withhold the issuance of an occupancy permit for any future building construction, will be a pre-condition of the issuance of any future building permit for all development on the above-described property.

Signed this 24<sup>th</sup> day of July, 2007.

Key South Limited Liability Company

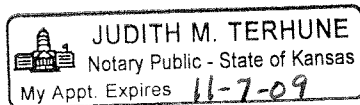
By: James D. Ashcraft  
James D. Ashcraft, (SUB 2007-43)  
Authorized Signatory

Drive Approach Closure Certificate  
Page 2 of 2

STATE OF KANSAS                     )  
  ) SS:  
COUNTY OF SEDGWICK            )

BE IT REMEMBERED, that on this 24<sup>th</sup> day of July, 2007,  
before me, the undersigned, a Notary Public in and for the State and County aforesaid,  
came James D. Ashcraft as Authorized Signatory of Key South Limited Liability  
Company, a Kansas limited liability company, to me personally known to be the  
person who executed the foregoing instrument, and duly acknowledged the execution  
of the same, for and on behalf, and as the act and deed of said limited liability  
company.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my  
official seal, the day and year last above written.



Judith M. Terhune  
Notary Public

My Appointment Expires: 11-7-09



**City of Wichita  
City Council Meeting  
August 21, 2007**

**TO:** Mayor and City Council Members

**SUBJECT:** SUB 2007-43 -- Plat of Kansas State Bank Addition located east of Maize Road and north of Kellogg. (District V)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA ACTION:** Planning (Consent)

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**Staff Recommendation:** Approve the plat.

**MAPC Recommendation:** Approve the plat. (8-0)

**Background:** This site, consisting of one lot on 1.25 acres, is a replat of a portion of the Verda Vista Addition and is located within Wichita's city limits. The site has been approved for a zone change (ZON 2007-07) from "SF-5" Single-Family Residential District to "GO" General Office District. A Conditional Use (CON 2007-09) has also been approved for the site for a financial institution.

**Analysis:** Municipal services are available to serve the site. As per City Engineering, an Off-site Drainage Easement was submitted. A Restrictive Covenant was submitted to permit cross-lot access for the benefit of the abutting property to the north. In order to guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings, a Driveway Closure Certificate was also submitted.

The plat has been approved by the Planning Commission, subject to conditions. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

**Financial Considerations:** None.

**Goal Impact:** Ensure Efficient Infrastructure.

**Legal Considerations:** The Drainage Agreement, Restrictive Covenant for Future Cross Circulation Agreement and Drive Approach Closure Certificate will be recorded with the Register of Deeds.

**Recommendations/Actions:** Approve the documents and plat, authorize the necessary signatures, and approve first reading of the Ordinance.

